

# Buying Vs. Mamakating Library

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PRESENT:

HON. MEAGAN K. GALLIGAN, JSC

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SULLIVAN

-----X  
In the Matter of the Application of  
JOHN BUYING,

Petitioner,

**ORDER TO  
SHOW CAUSE**

For a Judgment Pursuant to  
Article 78 of the Civil Practice Law and Rules

Index No. 2025-1546

-against-

MAMAKATING LIBRARY,

Respondent.  
-----X

Upon the affirmation of John Buying sworn to on August 7, 2025, together with the exhibits submitted therewith, and upon all prior pleadings herein, it is hereby

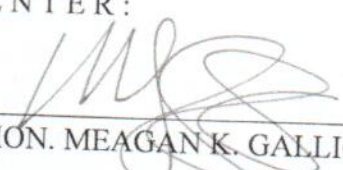
**ORDERED** that respondent Mamakating Library show cause before this court on the 21<sup>st</sup> day of August 2025, at 2 PM, at the Sullivan County Courthouse, 414 Broadway, Monticello, New York, or as soon thereafter as the parties may be heard, why an order should not be made and entered pursuant to Section 2201 of the New York Civil Practice Law and Rules and/or Section 8-400 of the New York Election Law, granting the following relief:

- Staying or otherwise invalidating the August 2025 Mamakating Library Budget Vote and Trustee Election;
- Directing respondent to comply with the "Open Meetings Law" and Public Officers Law;
- Ordering respondent to declare the seats held by Pamela Mann, Jennifer Holmes, and Pamela Rice-Woyotowick (a/k/a Pamela Forni) vacant and to appoint replacements to those seats and nullify any actions undertaken;
- Ordering respondent to undertake *de novo* the 2024 Mamakating Library Budget Vote and Trustee Election with a proper ballot and including all absentee voters in its canvas;
- Granting petitioner reimbursement of legal fees, costs and disbursements; and
- Granting such other and further relief as the court deems just and proper.

**IT IS FURTHER ORDERED** that service of a copy of this Order together with a copy of all of the papers upon which it is granted by personal service upon the President of the Mamakating Library Board of Trustees, by August 15, 2025, be deemed good and sufficient.

Dated: August 14, 2025  
Monticello, NY

ENTER:

  
\_\_\_\_\_  
HON. MEAGAN K. GALLIGAN, JSC

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SULLIVAN

Hon: \_\_\_\_\_ presiding  
-----

John Buying                      Plaintiff / Petitioner,

-against-

**Order to Show Cause**

Index No. 2025-1546

Mamakating Library    Respondent / Defendant.  
-----

Upon the attached *affidavit/ affirmation(s)* of (your name) John Buying \_\_\_\_\_  
sworn to on 7 AUG, 2025, with its' attached exhibits and upon all prior  
pleadings and proceedings, and sufficient cause having been alleged therefor, it is  
hereby:

**ORDERED** that the *defendant(s) (names)* Mamakating Library \_\_\_\_\_  
\_, show cause before this Court at the Sullivan County Courthouse, 414 Broadway,  
Monticello, NY 12701 on 11 AUG, 2025, at \_\_\_\_\_ a.m./  
p.m., or as soon thereafter as counsel / parties may be heard, why an order should not  
be made and entered pursuant to NY CPLR 2201 and Election Law Sec 8-400, which

1. stays the August 2025 Mamakating Library Budget vote/trustee election
2. and to order the Mamakating Library to comply with both the Open Meetings Law and Public Officers Law,
3. and to order the Mamakating Library to declare the seats held by Pamela Mann, Jennifer Holmes, Pamela Rice-Woytowick (AKA Pamela Forni) vacant, and appoint replacements to these vacant seats, and nullify any actions undertaken,

4. and order the Mamakating Library to redo the 2024 Mamakating Library Budget vote/trustee election with a proper ballot and including all absentee voters in the canvas,

5. and grant petitioner reimbursement of all court and legal fees, costs and disbursements recitative to this matter,

and granting such other and further relief as the Court deems just and proper, and it is further

**ORDERED** that service of a copy of this Order together with a copy of the papers upon which it is granted by (*manner of service,*) \_\_\_\_\_ upon (*who*) \_\_\_\_\_ as counsel for the *defendant(s)* **and or** by personal service upon the *defendant(s)*, on or before (*date*) \_\_\_\_\_, 20\_\_\_\_, shall be deemed good and sufficient service.

Until the hearing and determination of this motion for an Order to Show Cause and the entry of an order, let all proceedings and actions between the parties related to this matter be immediately stayed and restrained.

BY: \_\_\_\_\_

Hon.

Justice, Supreme Court, Sullivan County



**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SULLIVAN**

Hon: \_\_\_\_\_ presiding  
-----

John Buying                      Plaintiff / Petitioner,

**Order to Show Cause**

-against-

Index No.

Mamakating Library    Respondent / Defendant.  
-----

Upon the attached *affidavit/ affirmation(s)* of (your name) John Buying \_\_\_\_\_  
sworn to on \_\_\_\_\_, 20\_\_\_\_, with its' attached exhibits and upon all prior  
pleadings and proceedings, and sufficient cause having been alleged therefor, it is  
hereby:

**ORDERED** that the *defendant(s) (names)* Mamakating Library \_\_\_\_  
\_, show cause before this Court at the Sullivan County Courthouse, 414 Broadway,  
Monticello, NY 12701 on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./  
p.m., or as soon thereafter as counsel / parties may be heard, why an order should not  
be made and entered pursuant to NY CPLR 2201 and Election Law Sec 8-400, which

1. stays the August 2025 Mamakating Library Budget vote/trustee election
2. and to order the Mamakating Library to comply with both the Open Meetings Law and Public Officers Law,
3. and to order the Mamakating Library to declare the seats held by Pamela Mann, Jennifer Holmes, Pamela Rice-Woytowick (AKA Pamela Forni) vacant, and appoint replacements to these vacant seats, and nullify any actions undertaken,

4. and order the Mamakating Library to redo the 2024 Mamakating Library Budget vote/trustee election with a proper ballot and including all absentee voters in the canvas,

5. and grant petitioner reimbursement of all court and legal fees, costs and disbursements recitative to this matter,

and granting such other and further relief as the Court deems just and proper, and it is further

**ORDERED** that service of a copy of this Order together with a copy of the papers upon which it is granted by (*manner of service,*) \_\_\_\_\_ upon (*who*) \_\_\_\_\_ as counsel for the *defendant(s)* **and or** by personal service upon the *defendant(s)*, on or before (*date*) \_\_\_\_\_, 20\_\_\_\_, shall be deemed good and sufficient service.

Until the hearing and determination of this motion for an Order to Show Cause and the entry of an order, let all proceedings and actions between the parties related to this matter be immediately stayed and restrained.

BY: \_\_\_\_\_

Hon.

Justice, Supreme Court, Sullivan County

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SULLIVAN

RECEIVED  
SULLIVAN COUNTY CLERK  
2025 AUG -7 PM 4:29

In the Matter of the Application of

John Buying

Petitioner

VERIFIED PETITION

against

Index No.: 2025-1546

Mamakating Library

Respondent

\_\_\_\_\_x

TO THE SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF SULLIVAN

The petition of John Buying respectfully shows to this Court as follows:

1. Petitioner(s) resides at 64 Witte Dr., Middletown, NY 10940
2. Respondent(s) Mamakating Library
3. The facts concerning the claim in this proceeding, including the underlying events and the nature of any action or decision taken by Respondent(s), that Petitioner wishes to challenge are as follows:
  - 1) Both the New York State Open Meetings Law and the Public Officers Law require that all votes taken by public officials be clearly recorded and made available to the public to ensure transparency and accountability.

Upon review of the Mamakating Library's meeting minutes, it appears that votes are not consistently or adequately recorded. For example: (Exhibit 1A, 1B)

In the March 2024 meeting minutes, the record states only, "Nay vote by John Buying. Motion carried," without specifying the motion, the vote tally or how other trustees voted.



The August 2024 meeting minutes mention a motion to accept the minutes as amended, noting only a "Nay vote by John Buying," without detailing the vote counts, names of trustees who voted in favor or the amendment.

These two examples demonstrate a lack of clarity about the motions and how each trustee voted, which undermines public trust and violates legal requirements, Public Officers Law §87 [3] [a].

- 2) Trustee Pamela Mann was absent from three consecutive board meetings in August 2023, September 2023 and October 2023. (Exhibit 2A, 2B, 2C) and a review of the published meeting minutes does not indicate that these absences were not formally excused by board action.

Education Law §226(4), states that a trustee who fails to attend three consecutive regular board meetings without an excuse accepted by the board is deemed to have resigned.

No public action has been taken to declare the seat vacant or to appoint a replacement or to include this seat in any election.

- 3) New York Public Officers Law §10 and §30(1)(h), states that any public officer, including a library trustee, must complete an Oath of Office within 30 days of the start of their term. Failure to do so results in a vacancy by operation of law.

Jennifer Holmes Elected: August 2022

Term Start: September 2022

The oath of office was completed April 2, 2024 (Exhibit 3A)

Five Hundred and Fifty-One days late

Pamela Rice-Woytowick AKA Pamela Forni

Elected: August 2023

Term Started: September 2023

The oath was completed November 3, 2023 (Exhibit 3B)

Thirty-Five days late

Pamela Mann

Elected August 2021

Term Started: September 2021

The oath of office was completed October 5, 2021 (Exhibit 3C)

Five days late



No public action has been taken to declare these seats vacant or to appoint a replacement or to include these seats in any election.

#### 4) ELECTION COMPLAINT DETAILS 2024

##### a) IMPROPER BALLOT FORMAT - VIOLATION OF ELECTION PROCEDURES

The official ballot for the August 20, 2024 election contained a fundamental error in how the trustee election was presented to voters:

##### What Should Have Occurred:

Three (3) trustee positions were available: two four-year terms and one one-year term (vacant seat through 2025)

Voters should have been able to select up to three (3) candidates

The top two vote-getters would receive four-year terms, and the third-highest would receive the one-year term

##### What Actually Appeared on the Ballot: (Exhibit 4A)

The ballot incorrectly separated the elections into two distinct sections:

Section 1: "CANDIDATE FOR THE FOUR YEAR SEATS (Choose 2)"

Section 2: "CANDIDATE TO FILL VACANT SEAT THRU 2025"

This format misled voters into believing they could only vote for two candidates total. The format fundamentally misrepresented that three seats were being voted on and the format fundamentally misrepresented the election structure.

Impact of This Error is Demonstrated by Election Results: (Exhibit 4B)

The election results clearly demonstrate how the improper ballot format distorted the outcome:

Four-Year Seats Section Results	
	Patricia Andersen: 81 votes Mark Tourtellott: 78 votes Chelsea Roth: 5 votes
Vacant Seat Section Results:	
	Chelsea Roth: 59 votes Barbara Schmitt: 1 vote Patricia Andersen: 4 votes

Analysis:

Patricia Andersen received 81 votes in the four-year section and 4 votes in the "vacant seat" section.

Chelsea Roth received 5 votes in the "four-year" section and 59 votes in the "vacant seat" section.

This clearly shows that voters were confused about which section to use. The ballot format fundamentally distorted voter intent and undermined the democratic process.

(b) FAILURE TO PROVIDE ABSENTEE BALLOTS - VIOLATION OF VOTER RIGHTS

The Mamakating Library District failed to send absentee ballots to eligible voters who properly requested them, in violation of New York Education Law requirements for library district elections.

Legal Requirements:

Library districts must provide absentee ballots to eligible voters who request them

Districts have a statutory duty to conduct elections properly and ensure voter access

Violation:

One hundred ninety-one (191) eligible voters requested absentee ballots but did not receive them. This includes 134 voters on the permanently disabled list who are entitled to automatic absentee ballot access. I did a FOIL of any voter information from the Sullivan County Board of Elections given to Mamakating Library to support the election and was emailed two excel spreadsheets that I do not know how to submit confirming these numbers.

Out of a total voter registration of 8,884, the district denied voting access to 191 voters who followed proper procedures to request absentee ballots

This denied these voters their fundamental right to participate in the election

The number of disenfranchised voters (191) represents a significant portion of the electorate and could have materially affected the election outcome

The failure to provide absentee ballots to permanently disabled voters (134) is particularly egregious as it denied voting access to vulnerable community members who rely on this accommodation

The library failed in its legal duty to conduct a proper election

#### (c) LACK OF TRANSPARENCY IN VOTE COUNTING – VIOLATION OF OPEN GOVERNMENT REQUIREMENTS

The Mamakating Library District failed to provide proper transparency and oversight during the vote counting process, raising additional concerns about the integrity of the election.

#### Legal Requirements:

Election officials must conduct vote counting in a manner that allows for public observation. Transparency in the election process is essential for maintaining public trust and ensuring accuracy. Proper election procedures require oversight and verification of ballot counting

#### Violations:

No public viewing or observation of the vote counting process was permitted. I John Buying, tried to observe the ballot counting and was told that by law, I could not watch. I have a video of this refusal. I do not know how to submit this exhibit.

The official election results (Exhibit 4B) show that not a single ballot was rejected, which is statistically unusual and raises questions about proper ballot review procedures. I have viewed the ballots and several should have been rejected.

The lack of transparency in counting, combined with the unusual rejection rate of zero, suggests inadequate oversight of the election process



(d)LEGAL AUTHORITY

These violations implicate several areas of law.

New York Education Law governing library district elections

Constitutional due process rights of voters

Equal protection rights under state and federal law

Statutory requirements for proper election administration

(e) CONCLUSION

The integrity of library district elections is essential to democratic governance and public trust. The serious procedural violations in the Mamakating Library election require immediate attention and remedial action to protect voter rights and ensure proper democratic processes.

(f)ELECTION COMPLAINT DETAILS 2025

The Mamakating Library has everything to hide as can be seen with the redacting of 2025 nominating Petions (Exhibit 5A). The 2024 petitions were also redacted in a similar manner.

I have asked the committee on open government about this redaction and was given an advisory saying that this should be open to the public to validate a petition to be placed on the ballot. (Exhibit 5B)



4. Attached are copies of relevant documents in support of Petitioner's case, including determination(s) issued by Respondent(s) that have a bearing on this case and/or which Petitioner herein complains, if any. These documents are

Exhibits 1A - March 2024 meeting minutes, 1B - April 2024 meeting minutes

Exhibits 2A August 2023 Meeting Minutes, 2B September 2023 Meeting Minutes, 2C October 2023 Meeting Minutes

Exhibits 3A Jennifer Holmes oath of office, 3B Pamela Rice-Woytowick AKA Pamela Forni oath of office, 3C Pamela Mann oath of office

Exhibit 4A election ballot, 4B election results

Exhibit 5A Petitions, 5B Advisory

5. A prior application prior application has not made for the relief requested herein.

WHEREFORE, your deponent respectfully requests that this Court

(a) I respectfully ask the court to direct the Mamakating Library to comply with both the Open Meetings Law and Public Officers Law §87 [3] [a]), and to ensure proper recording of motions and trustee votes in future minutes, and

(b) I respectfully ask the court to direct the Mamakating Library to comply with NYS Education Law §226(4) and declare the Pamela Mann seat vacant, appoint a replacement, and review any action undertaken, and

(c) I respectfully request the court direct the Mamakating Library to comply with New York Public Officers Law §10 and §30(1)(h) and to immediately declare the seats for Jennifer Holmes, Pamela Rice-Woytowick AKA Pamela Forni, Pamela Mann vacant, appoint replacements and review any action undertaken, and

(d) I respectfully request ask the court to order the Mamakating Library to Invalidate the August 20, 2024 election results due to the procedural errors. Order a new, properly conducted election with correctly formatted ballots that accurately represent the election structure and allow a proper distribution of absentee ballots to all eligible voters who request them and give oversight to ensure compliance with all applicable election laws and provide guidance to the Mamakating Library on proper election procedures and take appropriate enforcement action to prevent future violations, and

(e) ) I respectfully request ask the court to stay the 2025 Election and to order the Mamakating Library to provided all copies of submitted petitions without any redactions and

(f) I respectfully request ask the court to grant petitioner reimbursement of all court and legal fees, costs, and disbursements, in this matter,

and for such other and further relief as this Court may deem just and proper.

DATED: 7 AUG 21

Signature 

Name, Address and Phone Number

John Buying  
64 Witte Dr.  
Middletown, NY 10940  
(845) 419 - 1270

**VERIFICATION**

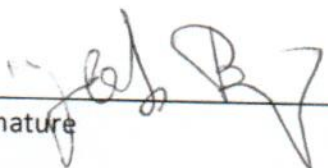
STATE OF NEW YORK           )  
  ) ss,:  
COUNTY OF SULLIVAN       )

RECEIVED  
Office of the Court Clerk

AUG 12 2025

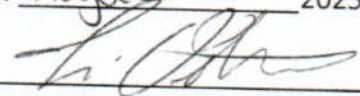
Sullivan County Court

John Buying, being duly sworn, deposes and says: I am the Petitioner in this matter. I have read the foregoing petition and know the contents thereof. The same are true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters, I believe them to be true

  
\_\_\_\_\_  
Signature

John Buying  
Print Name

Sworn to before me on this 7<sup>th</sup>  
Day of August 2025

  
\_\_\_\_\_  
Notary Public

Tori Ostrom  
Notary Public, State of New York  
NYS Reg. No. 04OS0034579  
Qualified in Sullivan County  
Commission Expires March 7, 2029

Commissioner of the Superior Court  
Honorable Justice Gauthier  
1000-1000-1000-1000  
1000-1000-1000-1000  
1000-1000-1000-1000

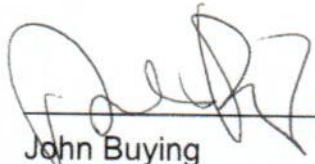


VERIFICATION

John Buying

\_\_\_\_\_, being duly sworn, deposes and  
says:

I am the defendant. I have read the foregoing answer and know the contents thereof. The same are true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters I believe them to be true. To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers or the contentions therein are not frivolous as defined in subsection (c) of section 130-1.1 of the Rules of the Chief Administrator (22 NYCRR).

  
\_\_\_\_\_  
John Buying [SIGNED]  
\_\_\_\_\_  
[TYPED]

Sworn to before me this

7<sup>th</sup> day of August, 201025.

  
\_\_\_\_\_  
Notary Public

Tori Ostrom  
Notary Public, State of New York  
NYS Reg. No. 040S0034579  
Qualified in Sullivan County  
Commission Expires March 7, 2029

## **MLD Trustees Meeting Minutes – March 19, 2025**

### **Call to Order/Attendance**

Meeting called to order at: 5:58PM

Present: Trustees Patricia Andersen, John Buying, Jennifer Holmes,  
Pamela Mann, Pamela Rice, Chelsea Roth, Mark Tourtellott,  
and Director Cheryl Jones

Absent: none

### **Adoption of agenda**

Motion by: Jennifer Holmes

2nd: Pamela Rice

Voted against: John Buying

Abstain: none

Motion: passed

Motions to amend the agenda

### **Motion to amend the previous minutes see attached**

Motion by: John Buying

2nd: none

Voted against:

Abstain:

Motion: dies

### **Adoption of Minutes**

February 2025\*

Motion by: Chelsea Roth

2nd: Pamela Mann

Voted against: John Buying

Abstain: none

Motion: passed

February 2025 Special Meeting

Motion by: Jennifer Holmes

2nd: Pamela Rice

Voted against: John Buying

Abstain: none

Motion: passed

### **Finance Report**

Motion to approve abstract of vouchers\*

Motion by: Jennifer Holmes

2nd: Chelsea Roth

Voted against: John Buying

Abstain: none

Motion: passed

### **Director's Report**

### **Committee Reports**

- Long Range Plan- No Report
- Policy/ By-Law- No Report
- Building and Grounds- No Report
- Budget- No Report

### **Old Business:**

- April Meeting Date changed to April 9th

### **New Business:**

- Budget Adjustment for FOL restricted donation\*

Motion to approve the budget adjustments as presented

Motion by: Pamela Rice

2nd: Jennifer Holmes

Voted against: none

No Vote: John Buying

Motion: passed

### **Policy review/ revisions:**

- 3D Printing Policy\*
- Election Policy\*

- Interlibrary Loan Policy\*
- Unattended Minors Policy\*
- Conflict of Interest Policy\*
- Credit Card Policy\*
- Non-Competitive Bidding Policy\*
- Nutrition Resolution\*
- Petty Cash Policy\*
- Wellness Committee Policy\*
- Whistleblower Policy\*

Motion to Approve all discussed policies as a slate as amended.

Motion by: Pamela Rice

2nd: Pamela Mann

Voted against: John Buying

Abstain: none

Motion: passed

**Privilege of the Floor** - Public Comment- 3-minute limit per person

- Patron thanked Cheryl Jones and the library staff for supporting the food pantry and its events.
- Patron supported the current state of our unattended minors policy. Speaking to the library as a safe space for children to learn and grow.

**Adjournment: meeting ended at 7:10pm**

Motion by: Jennifer Holmes

2nd: Chelsea Roth

Voted against: none

Abstain: none

Motion: passed

Respectfully Submitted,

Mark Tourtellott, Board Trustee



## **ATTACHMENT**

Proposed additions to the agenda sent via email by Trustee John Buying:

- Public Comment
- Identification of board members when recording

Proposed changes to the minutes agenda sent via email by Trustee John Buying:  
MINUTES 19FEB25

### **Adoption of agenda**

I motion to amend the minutes and to add whoever voted for the adoption to be added along with the vote totals

### **Minutes – January 2025**

I motion to amend the minutes and to add whoever voted for the minutes to be added along with the vote totals. As presented is incorrect. It is or it is amended.

### **Finance Report**

I motion to amend the minutes and to add whoever voted for the finance report to be added along with the vote totals. As presented is incorrect. It is or it is amended.

### **Director's Report**

There is no motion here and should be removed. I motion remove this.

### **Committee Reports**

There are no committees and no motion here and should be removed. I motion remove this.

### **Old Business:**

I motion to amend the minutes and to add whoever motioned and seconded to change BOT meeting dates to the 3<sup>rd</sup> Wednesday of each month and add whoever voted for/against.

### **New Business:**

I motion to amend the minutes and to add whoever voted for the Budget Adjustment to be added along with the vote totals. As presented is incorrect. It is or it is amended.

I motion to amend the minutes and to add whoever voted to change the signers on accounts to be added along with the vote totals and what the motion was.

I motion to amend the minutes and to add whoever motioned and seconded to approve the proposal by WBOT to place a mural at the library in summer 2025 to be added.

I motion to amend the minutes and to add whoever motioned and seconded to table to the next meeting the motion to approve the proposal by WBOT to place a mural at the library in summer 2025 and add whoever voted to table this until the next meeting with vote totals.

I motion to amend the minutes and to add whoever voted for the annual report to be added along with the vote totals.

Annual Financial Report

There is no motion here and should be removed. I motion remove this.

### **Policy review/ revisions**

none

There is no motion here and should be removed. I motion remove this.

### **Adjournment: meeting ended at 7:20**

I motion to amend the minutes and to add whoever voted for the adjourn to be added along with the vote totals.

MINUTES 27FEB25

### **Adoption of agenda:**

I motion to amend the minutes and to amend the minutes and to add whoever voted for the adoption of the agenda to be added along with the vote totals.

### **Old Business:**

WBOT Mural Project I motion to amend the minutes and to add whoever voted for the art project to be added along with the vote totals.

### **Adjourn**

I motion to amend the minutes and to amend the minutes and to add whoever voted for the adjourn to be added along with the vote totals.

## **MLD Trustees Meeting Minutes – April 9, 2025**

### **Call to Order/Attendance**

Meeting called to order at: 6:04

Present: Trustees Patricia Andersen, John Buying, Jennifer Holmes, Pamela Mann, Pamela Rice, Chelsea Roth, Mark Tourtellott, and Director Cheryl Jones

Absent: none

### **Adoption of agenda**

Motion by: Chelsea Roth

2nd: Pamela Mann

Voted against: John Buying

Abstain:

Motion passed

### **Minutes – March 2025**

Motion to approve the March meeting minutes

Motion by: Chelsea Roth

2nd: Jennifer Holmes

Voted against: John Buying

Abstain:

Motion passed

### **Finance Report -**

- Motion to approve abstract of vouchers

Motion by: Pamela Rice

2nd: Jennifer Holmes

Voted against: John Buying

Abstain:

Motion passed

### **Director's Report**

### **Committee Reports –**

- Long Range Plan- No Report
- Policy/ By-Law- No Report



- Building and Grounds- No Report
- Budget- No Report

**Old Business:**

**New Business:**

- Committee appointments
  - MOU for Storywalk
- Motion to approve MOU for the Storywalk  
Motion by: Mark Tourtellott  
2nd: Pamela Rice  
Voted against:  
Abstain:  
Motion passed

**Policy review/ revisions:**

- Remote Work Policy  
Motion by: Jennifer Holmes  
2nd: Pamela Rice  
Voted against: John Buying  
Abstain:  
Motion passed
- Reserve Fund Policy  
Motion by: Jennifer Holmes  
2nd: Pamela Rice  
Voted against: John Buying  
Abstain:  
Motion passed
- Public Comment Policy  
Motion by: Jennifer Holmes  
2nd: Pamela Rice  
Voted against: John Buying  
Abstain:  
Motion passed

**Privilege of the Floor** - Public Comment- 3-minute limit per person



Public patron spoke briefly about:

- The positive effects of posting on Facebook about people getting first library cards.
- Asked that library be mindful about public displays having readable font sizes.
- Asked that library staff feel empowered to respond to altercations by calling the police quickly.

### **Adjournment**

**Meeting ended at: 6:50**

Motion by: Jennifer Holmes

2nd: Chelsea Roth

Voted against:

Abstain:

Motion passed

MLD Trustees Meeting – August 9, 2023 - 6:00 P.M.  
TENTATIVE AGENDA – SUBJECT TO ADDITIONS AND/OR CHANGE

Call to Order/Attendance

**Present:** Trustees Patti Andersen, John Buying, Jennifer Holmes, Mark Tourtellott and Director Cheryl Jones<sup>[SEP]</sup>

**Absent:** Pam Rice, Antoinette King, Pamela Mann<sup>[TTL]</sup><sup>[SEP]</sup>

Meeting called to order at 6:05pm

<sup>[SEP]</sup>Public Member: No members of the public

Adoption of agenda\*

as amended by Jennifer Holmes, seconded by Patti Andersen

Minutes – July approved Jennifer Holmes seconded by Patti Andersen, opposed by John Buying

Executive Session

begun at 6:25 by Jennifer Holmes. seconded by John Buying<sup>[SEP]</sup>

session ended at 6:46 by Jennifer Holmes. seconded by John Buying

Finance Report\* -

Motion to approve abstract of vouchers\* by Jennifer Holmes, seconded by Patti Andersen<sup>[TTL]</sup><sup>[SEP]</sup>

Director – Report – see attached

Old Business:

- Community Solar – proposal was not endorsed, the library will continue with current power provider.
  - Budget Overage - tabled
  - Committee/ OML - tabled
  - Election Update
- Final ballot approved by Jennifer Holmes, seconded by Patti Andersen

New Business:

- Board & Director Goals - tabled

Policy review/ revisions:

- Trustee Education - tabled

Privilege of the Floor - Public Comment- 3 minute limit per person

Adjournment

Meeting Adjourned by Jennifer Holmes, seconded by Mark Tourtellott at 7:45pm

**MAMAKATING LIBRARY**  
**BOARD OF TRUSTEES MEETING**

**September 13, 2023**

1. **PRESENT:** Trustees Patricia Andersen, John Buying, Pamela Rice, Mark Tourtellott, and Director Cheryl Jones

**ABSENT:** Jennifer Holmes and Pamela Mann

The meeting was called to order at 6:05pm

**PUBLIC MEMBERS:** Rich Jones and Chelsea Roth

2. **AGENDA:**

Motion to amend agenda to move By-Laws/Policy Committee from Old Business to New Business made by John Buying. No second, motion dies. Board discussion followed reminding trustees that item was discussed during August meeting, therefore topic falls under Old Business.

Motion to adopt agenda made by Pamela Rice, seconded by Mark Tourtellott. All in favor, motion carried.

3. **EXECUTIVE SESSION:** Motion to move into Executive Session to discuss "employment of a particular person" made by Mark Tourtellott, seconded by Pamela Rice. All in favor, motion carried. Move into Executive Session at 6:14pm.

Motion to leave Executive Session made by Mark Tourtellott, seconded by Pamela Rice. All in favor, motion carried. Left Executive Session at 6:20pm.

Motion to approve carryover days for library employee made by Mark Tourtellott, seconded by Pamela Rice. All in favor, motion carried.

Motion to approve moving temporary library employee to permanent status made by Pamela Rice, seconded by Mark Tourtellott. All in favor, motion carried.



**4. MINUTES:**

Motion to amend July meeting minutes to replace "Add: John Buying" with "Appoint: John Buying" made by John Buying. No second, motion dies. Board discussion and explanation of standard meeting practices and standard language of minutes followed.

Motion to adopt July meeting minutes made by Pamela Rice, seconded by Patricia Andersen. "Nay" vote by John Buying. Minutes not approved. Tabled to October meeting.

Approval of August meeting minutes tabled to October meeting with full board present.

- 5. FINANCE REPORT:** Motion to approve August vouchers made by Pamela Rice, seconded by Patricia Andersen. All in favor, motion carried.

- 6. DIRECTORS REPORT:** Director Cheryl Jones's comprehensive report was distributed. See attached.

Motion to approve Directors Report made by John Buying. No second, motion dies. Board reminded that Directors Report is not an actionable item and does not require Board approval.

**Items of Note:**

- Generator installed on September 13<sup>th</sup>.
- Sign garden replanted by children in kid's gardening group in August
- Cheryl wrote an article for the Shawangunk Journal on book recommendations
- 169 children (0-11) and 38 teens (12-18) registered for the Summer Reading Program
- Wolf Lake Grant program has been completed. Once the children take their first reading tests in school we will submit the information and close out the grant
- Friends of the Library will be hosting the Manhattan Short Film Festival September 28<sup>th</sup> and 30<sup>th</sup>

**7. OLD BUSINESS**

**Community Solar:**

Non-action item. Board discussion, concluding Community Solar is not a viable option at this time.



**Budget Overage:**

Discussion tabled to October meeting with full board present.

**By-Law/ Policy Committee:**

Discussion to establish a By-Laws/Policy Committee tabled to October meeting. At the advice of RCLS, this committee will be established as a joint By-Laws and Policy Committee.

**8. NEW BUSINESS**

**Open Trustee Seat:** Motion to appoint Chelsea Roth as Library Trustee to fill seat vacated by Antoinette King made by Mark Tourtellott, seconded by Patricia Andersen. "Nay" vote by John Buying. Seat remains vacant.

Motion to adjourn meeting made by John Buying at 7:09pm. No second, motion dies. Motion did not relate to agenda topic being discussed. Board reminded to follow agenda.

**9. POLICY REVIEW/ REVISIONS**

**Trustee Education Policy:** Motion to adopt Trustee Education Policy made by Patricia Andersen, seconded by Mark Tourtellott. "Nay" vote by John Buying. Policy not passed, tabled to October board meeting.

Motion to nominate Jennifer Holmes as Treasurer made by John Buying. No second, motion dies. Motion did not relate to agenda topic being discussed. Board reminded to follow agenda.

**10. PRIVILEGE OF THE FLOOR**

Public Comment – 3 minute limit per person

Motion to adjourn made by Pamela Rice, seconded by Mark Tourtellott. All in favor, motion carried. Meeting adjourned at 7:18 pm.

Respectfully submitted,

Pamela Rice, Board Secretary

**MAMAKATING LIBRARY  
BOARD OF TRUSTEES MEETING**

**Held on Tuesday, October 10, 2023 at 6:00pm at 128 Sullivan Street, Wurtsboro NY and  
via Zoom.**

1. **PRESENT:** Trustees Patricia Andersen, John Buying, Jennifer Holmes, Pamela Rice, Mark Tourtellott, and Director Cheryl Jones

**ABSENT:** Pamela Mann

The meeting was called to order at 6:00pm

**MEMBERS OF THE PUBLIC:**

In person: Rich Jones and Chelsea Roth

Zoom attendees: Barbara Semonite and Maryallison Farley

2. **AGENDA:**

Motion to amend agenda to add Executive Session, and add Nominating Committee to New Business made by Pamela Rice, seconded by Jennifer Holmes. All in favor, motion carried.

3. **EXECUTIVE SESSION:**

Motion to enter Executive Session to discuss matter of board communication made by Patricia Andersen, seconded by Jennifer Holmes. All in favor, motion carried. Move into Executive Session at 6:06pm.

Motion to leave Executive Session made by Pamela Rice, seconded by Jennifer Holmes. "Nay" vote by John Buying. Motion passed. Left Executive Session at 6:08.

4. **MINUTES:**

Motion to approve meeting minutes from July 2023 made by Jennifer Holmes, seconded by Mark Tourtellott.

"Nay" vote by John Buying. Motion passed, July minutes approved.

Motion to approve meeting minutes from August 2023 made by Patricia Andersen, seconded by Pamela Rice. Discussion to amend August minutes to reflect topic of Executive Session discussion to read as "employment of a particular person".

Motion to approve August 2023 minutes as amended made by Jennifer Holmes, seconded by Mark Tourtellot. All in favor, motion carried.

Motion to accept September meeting minutes made by Mark Tourtellot, seconded by Patricia Andersen. Discussion to amend September minutes to reflect topic of Executive Session discussion to read as "employment of a particular person".

Motion to accept September minutes as amended made by Jennifer Holmes, seconded by Patricia Andersen. "Nay" vote by John Buying.

**5. FINANCE REPORT:**

Finance Report presented and distributed by Jennifer Holmes. See attached.

Motion to approve September vouchers made by Pamela Rice, seconded by Jennifer Holmes. All in favor, motion carried.

**6. DIRECTORS REPORT:** Director Cheryl Jones's comprehensive report was distributed. See attached.

**Items of Note:**

- Generator is installed and propane is connected; air filters were changed
- 16 Adult Programs serving 167 patrons; 11 patrons received dedicated Tech Help time; 5 Children's Programs service 68 patrons
- Library Card Registration info has been sent home to every child at Chase School. Thank you to Patti Andersen for facilitating this at the school.
- Video Conferencing & Recorded/ Zoom program set up complete. Thanks to the FOML for funding this and to Mark Tourtellott for helping to install the equipment and update a laptop to run more quickly
- The final presentation for the Sustainable Libraries Initiative has been submitted. We are waiting on feedback from our mentor and the SLI team. Completion is imminent!
- September Patron Count: 1,256



## 7. OLD BUSINESS

### Open Trustee Seat:

Motion to appoint Chelsea Roth as Library Trustee to fill seat vacated by Antoinette King made by Pamela Rice, seconded by Patricia Andersen. All in favor, motion carried.

### Committee Appointments:

Board will revisit Committee Appointments at November meeting with full board present. Tentative committee appointments as follows:

**Budget:** Ad Hoc, by season. Committee to be appointed in late winter

**Long Range Planning:** Patricia Andersen, John Buying and Cheryl Jones

**By-Law/Policy:** Patricia Andersen, Pamela Rice

**Building:** Ad Hoc, by season. Jennifer Holmes, Mark Tourtellott, Troy Hodas

## 8. NEW BUSINESS

### Treasurer:

Motion to table Treasurer discussion made by Patricia Andersen, seconded by Mark Tourtellot. All in favor, motion carried.

### ILS:

Motion to vote in favor of ILS change, with language as follows, made by Jennifer Holmes, seconded by Patricia Andersen. All in favor, motion carried.

Whereas Mamakating Library and Ramapo Catskill Library System ("RCLS") are party to an Agreement for Integrated Library System Participation (the "ILS Agreement") with a five-year term beginning January 1, 2023; and

Whereas The Directors' Association (DA) voted to change the current ILS vendor, SirsiDynix, to the new ILS vendor, ByWater Solutions, with the affirmative consent of a majority of member library directors; therefore

Be it resolved that the Library agrees with DA and votes in favor of switching Integrated Library System providers from SirsiDynix to ByWater Solutions.



**RCLS Budget:**

Motion to accept 2024 RCLS budget made by Jennifer Holmes, seconded by Mark Tourtellott. All in favor, motion carried.

**Nominating Committee:**

Board discussion followed by decision to accept nominations from the floor in lieu of formation of a Nominating Committee.

**9. POLICY REVIEW/ REVISIONS**

**Trustee Education Policy:** Motion to adopt Trustee Education Policy provided by director Cheryl Jones made by Pamela Rice, seconded by Jennifer Holmes. "Nay" vote by John Buying. Motion carried, policy approved.

**10. PRIVILEGE OF THE FLOOR**

Public Comment – 3 minute limit per person

Barbara Semonite thanked the board for the work they do.

Motion to adjourn made by Pamela Rice, seconded by Jennifer Holmes. All in favor, motion carried. Meeting adjourned at 7:02pm.

Respectfully submitted,

Pamela Rice, Board Secretary

OATH OF OFFICE

FORM NO. 69

Williamson Law Book Co., Victor, NY 14584

State of New YorkCounty of SullivanTown of MamakatingI, Jennifer Holmes

do solemnly swear that  
 I will support the Constitution of the United States and the Constitution of the State of New York,  
 and that I will faithfully discharge the duties of Mamakating Library Trustee

according to the best of my ability.

(Signed)

Jennifer M Holmes

Officer

Subscribed and sworn to before me this:

2nd day of April, 2024

(Signed)

Notary Public

Title

BRITTNEY AWEH  
 NOTARY PUBLIC-STATE OF NEW YORK  
 No. 01AW6362085  
 Qualified in Ulster County  
 My Commission Expires 07-24-2024

2024 JUN -6 PM 12:05  
 RECEIVED  
 SULLIVAN COUNTY CLERK

I HEREBY CERTIFY THAT  
 THIS IS A TRUE COPY OF:  
 Oath of office.

Karen Barclay 6/6/24  
Mamakating Town Clerk



EXHIBIT 3 & B

3B

147

OATH OF OFFICE

FORM NO. 69

STATE OF NEW YORK

COUNTY OF Sullivan

ss.

Town of Mamakating

I, Pamela Rice-Wayfarer

, do solemnly swear that

I will support the Constitution of the United States and the Constitution of the State of New York,

and that I will faithfully discharge the duties of Mamakating Library  
Board of Trustees

according to the best of my ability.

(Signed)



Officer

Subscribed and sworn to before me this

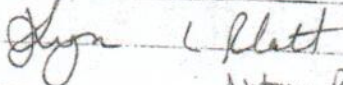
3<sup>rd</sup>

day of

November

19 2023

(Signed)



Notary Public

Title

Exp 01.22.2027

KYRA L PLATT  
Notary Public - State of New York  
No. 01PL6386212  
Qualified in Sullivan County

I HEREBY CERTIFY THAT  
THIS IS A TRUE COPY OF:  
oath of office

Karen J. Barclay 6/6/24  
Mamakating Town Clerk

2024 JUN -5 PM 12:05

SULLIVAN COUNTY CLERK

Outdoors With



EXHIBIT 3C

OATH OF OFFICE

FORM NO. 69

Williamson Law Book Co., Victor, NY 14564

State of New York  
County of Sullivan  
Town of Mamakating

ss.

I, Pamela Mann, do solemnly swear that  
I will support the Constitution of the United States and the Constitution of the State of New York,  
and that I will faithfully discharge the duties of Library Trustee,  
Mamakating Library

according to the best of my ability.

(Signed) Pae DM Officer

Subscribed and sworn to before me this  
5 day of October, 2021  
(Signed) [Signature]

JEAN M DOUGHERTY  
Notary Public - State of New York Title  
No. 01DO4984408  
Qualified in Sullivan County  
Commission Expires 7/22/2025

RECEIVED  
TOWN OF MAMAKATING

OCT 05 2021

[Signature]  
TOWN CLERK

COPY



**OFFICIAL BALLOT****MAMAKATING LIBRARY****August 20th, 2024****INSTRUCTIONS**

1. Mark in pen.
2. To vote on a proposal, make a cross X mark or a check ☒ mark in one of the voting squares contained in the box setting forth such proposal.
3. To vote for a candidate whose name is printed in this ballot, make a cross X mark or a check ☒ mark in the voting square alongside the name of the candidate.

**PROPOSITION I**

The trustees of the Mamakating Library shall be authorized to increase the tax levy in the amount of \$18,300 in 2025.

☐

YES

☐

NO

**ELECTION OF TRUSTEE****CANDIDATE FOR THE FOUR YEAR SEATS (Choose 2):**☐

PATRICIA ANDERSEN

☐

MARK TOURTELLOTT

☐

\_\_\_\_\_

**ELECTION OF TRUSTEE****CANDIDATE TO FILL VACANT SEAT THRU 2025:**☐

\_\_\_\_\_

EXHIBIT 4B

**RE: TOWN OF MAMAKATING LIBRARY  
TRUSTEE ELECTION and BUDGET REFERENDUM  
AUGUST 20, 2024**

The undersigned hereby certify the election results for the position of Mamakating Library Trustee(4-year terms) (2) as follows:

Patricia Andersen                      81 votes

Mark Tourtellott                      78 votes

Chelsea Roth                      5 votes

\_\_\_\_\_ votes

The undersigned hereby certify the election results for the position of Mamakating Library Trustee (Vacant Seat) as follows:

Chelsea Roth                      59 votes

Barbara Schmitt                      1 votes

Patricia Andersen                      4 votes

**BUDGET REFERENDUM**

YES 80                      NO 3

Karen B. Salay  
Election Inspector

Lisa L. Schopf  
Election Inspector



Date: 6/23/25

To the Election Secretary of the Board of Trustees of the Mamakating Library, 128 Sullivan St. Wurtsboro, NY 12790.

We, the undersigned, being duly qualified voters of the Town of Mamakating and residents of the Monticello, Minisink, or Pine Bush school districts, do hereby nominate the following person for the office as hereinafter indicated:

- A. Name of Candidate: Pamela Mann  
 B. Address of Candidate: Maro Ln. Wurtsboro NY 12790  
 C. Phone # [REDACTED] Cell # [REDACTED]  
 D. Office for which Nominated: Member, Board of Trustees of the Mamakating Library  
 E. Length of Term of Office: 4 Years

	Date	Name (Sign & Print)	Street Address	School District
✓1	6/26/25	Darryl [REDACTED]	Wurtsboro NY 12790	Monticello
✓2	7/1/25	Patricia [REDACTED]	Wurtsboro, NY 12790	Monticello
✓3	7/1/25	Twana [REDACTED]	Wurtsboro, NY	Monticello
✓4	7/1	Gyuliana [REDACTED]	Wurtsboro NY 12790	Monticello
✓5	7/3	Debra [REDACTED]	Wurtsboro, NY	Monticello
✓6	7/7/25	Charles [REDACTED]	Wurtsboro, NY 12790	Monticello
✓7	7/8/25	Pamela [REDACTED]	Wurtsboro NY 12790	Monticello
✓8	7/8/25	Chelsea [REDACTED]	Bloomington NY	Pine Bush
✓9	7/8/25	Jennifer [REDACTED]	Wurtsboro NY 12790	Monticello
✓10	7/10/25	John [REDACTED]	Wurtsboro, NY. 12790	Monticello



	Date	Name (Sign & Print)	Street Address	School District
X	7/10	Genavieve [REDACTED]	[REDACTED]	Monticello
		Shawna [REDACTED]	Wurtsboro, NY	
u2	7/10/25	Amy [REDACTED]	[REDACTED]	Monticello
		Amy [REDACTED]	Wurtsboro NY 12790	
u3	7/10/25	Donna [REDACTED]	[REDACTED]	Monticello
		Donna [REDACTED]	Wurtsboro NY	
u4	7/10/25	Kevin [REDACTED]	[REDACTED]	Monticello
		Kevin [REDACTED]	Wurtsboro NY 12790	
u5	7/10/25	Alyssa [REDACTED]	[REDACTED]	Monticello
		[REDACTED]	Wurtsboro NY 12790	
u6	7/11/25	Bonnie [REDACTED]	[REDACTED]	Monticello
		Bonnie [REDACTED]	Wurtsboro, NY 12790	
X	7/11/25	Kayleigh [REDACTED]	[REDACTED] Monticello NY 10940	Monticello
		Kayleigh [REDACTED]		
u8	7/11/25	Shannon [REDACTED]	[REDACTED]	Pine Bush
		[REDACTED]	Bloomington, NY 12721	
u9	7/11/25	Jack [REDACTED]	[REDACTED]	Monticello
		Luke [REDACTED]	Wurtsboro, NY 12790	
u20	7/11/25	M. [REDACTED]	Bloomington, NY	(Retired Educ) Pine Bush
		Midge [REDACTED]		
u21	7/12	[REDACTED]	[REDACTED]	PBCSD
		Carmen [REDACTED]	Bloomington, NY 12721	
X	7/12	[REDACTED]	[REDACTED]	Monticello
		EUGENE [REDACTED]	Wurtsboro NY 12790	
X	7/12	[REDACTED]	[REDACTED]	Monticello
		Joe [REDACTED]	Wurtsboro NY 12790	
X	7/12	Calvin [REDACTED]	[REDACTED]	Monticello
		Calvin [REDACTED]	Wurtsboro NY 12790	



## EXHIBIT SA

	Date	Name (Sign & Print)	Street Address	School District
25	7/12/25	Lorrence [REDACTED]	[REDACTED]	Monticello
		[REDACTED]	Wurtsboro, NY 12790	
26	7/12/25	Luis [REDACTED]	[REDACTED]	Monticello
		[REDACTED]		
27	7/12/25	Luis Ramos Brachump		
28	7/12/25	Leslie [REDACTED]	Wurtsboro NY 12790	Monticello
		Leslie [REDACTED]		
29	7/12/25	[REDACTED]	[REDACTED]	Monticello
		Kyra [REDACTED]	Wurtsboro NY 12790	
30	7/12/25	Megan [REDACTED]	[REDACTED]	Monticello
		Megan [REDACTED]	Wurtsboro, NY 12790	
31	7/13/25	Ray [REDACTED]	Wurtsboro NY	Monticello
		Ray [REDACTED]		
32	7/17/25	[REDACTED]	[REDACTED]	Monticello
		Donald [REDACTED]	Wurtsboro NY 12790	
33	7/19/25	[REDACTED]	[REDACTED]	Monticello
		Bandy [REDACTED]	Wurtsboro NY 12790	
34	7/24/25	Barbara [REDACTED]	[REDACTED]	Mont.
		BARBARA [REDACTED]	Wurtsboro NY 12790	
35				

EXHIBIT 5A

Exhibit

Date: 6/23/25

To the Election Secretary of the Board of Trustees of the Mamakating Library, 128 Sullivan St. Wurtsboro, NY 12790.

We, the undersigned, being duly qualified voters of the Town of Mamakating and residents of the Monticello, Minisink, or Pine Bush school districts, do hereby nominate the following person for the office as hereinafter indicated:

- A. Name of Candidate: Chelsea Roth
- B. Address of Candidate: [REDACTED] Horton Rd, Bloomingburg, NY 12721
- C. Phone # [REDACTED] Cell # [REDACTED]
- D. Office for which Nominated: Member, Board of Trustees of the Mamakating Library
- E. Length of Term of Office: 4 Years
- rec'd 7/24 (CS)

Date	Name (Sign & Print)	Street Address	School District
7/7/25	Pamela [REDACTED]	Wurtsboro, NY 12790	Monticello
7/8/25	Pam [REDACTED]	Wurtsboro NY 12790	Monticello
7/8/25	Jale [REDACTED]	Wurtsboro NY 12790	Monticello
7/12/25	Jennifer [REDACTED]	Wurtsboro NY 12790	Pine Bush
7/12/25	Hamza [REDACTED]	Bloomingburg, NY 12721	Monticello
7/12/25	Leslie [REDACTED]	Wurtsboro NY 12790	Monticello
7/12/25	Leslie [REDACTED]	[REDACTED]	Pine Bush
7/12/25	Ma [REDACTED]	Bloomingburg, N.Y. 12721	Pine Bush
7/12	Kathleen [REDACTED]	Wurtsboro NY	Monticello
7/12	Kathleen [REDACTED]	Wurtsboro NY	Wurtsboro - Monticello
7/12	Christian [REDACTED]	Wurtsboro NY	Wurtsboro - Monticello
7/12	Tricia [REDACTED]	Wurtsboro NY	Wurtsboro - Monticello
7/12	Angela [REDACTED]	Wurtsboro NY	Monticello



	Date	Name (Sign & Print)	Street Address	School District
13	7/12/25	Frances [REDACTED] Jan [REDACTED]	[REDACTED] Wurtsboro, NY 12790	Monticello
14	7/12/25	Jason [REDACTED] [REDACTED]	[REDACTED] Wurtsboro, NY 12790	Monticello
15	7/12/25	Al [REDACTED] Allie [REDACTED]	Wurtsboro, NY 12790 [REDACTED]	Wurtsboro Monticello
16	7/12/25	Frank [REDACTED]	[REDACTED] Wurtsboro NY	Monticello
17	7/12	Brian [REDACTED] Brenda [REDACTED]	[REDACTED] Wurtsboro	Wurtsboro Monticello
18	7/12	Paul M. [REDACTED] Paul M. [REDACTED]	[REDACTED] Wurtsboro " " " " "	Monticello
19				
20	7/12/25	Keith [REDACTED] Debra [REDACTED]	[REDACTED]	Pine Bush
21	7/12/25	Lorraine [REDACTED] Kevin [REDACTED]	[REDACTED] Wurtsboro, NY 12790	Monticello
22	7/12/25	Luis [REDACTED] [REDACTED]	[REDACTED] Wurtsboro, NY 12790	Monticello
23	7/12/25	Tabitha [REDACTED] [REDACTED]	[REDACTED] Wurtsboro NY 12790	Monticello
24	7/14	Stephen [REDACTED]	[REDACTED] Bloomfieldburg NY	Pine Bush
25	7/14	[REDACTED] Chloe [REDACTED]	[REDACTED] Lickingburg NY	Pine Bush



# Exhibit SA

	Date	Name (Sign & Print)	Street Address	School District
25		Sina [REDACTED]	[REDACTED]	
✓ 26	7/14/25	Tina [REDACTED]	Bloomington, NY 12721	Pine Bush
✓ 26	7/24/25	Twana [REDACTED]	[REDACTED]	Monticello
		Tina [REDACTED]	Wurtsboro NY 12790	
✓ 27	7/24/25	Gailana [REDACTED]	[REDACTED]	Monticello
		Quilina [REDACTED]	Wurtsboro NY 12790	
✓ 28	7/24/25	M. Dyer [REDACTED]	[REDACTED] Bloomingburg	PB
		Blond [REDACTED]	[REDACTED]	
✓ 29	7/24/25	Brenda [REDACTED]	[REDACTED] Wurtsboro NY	Monticello
		Flore [REDACTED]	[REDACTED]	
✓ 30	7/24/25	Emilie [REDACTED]	[REDACTED]	Pine Bush
		Emilie [REDACTED]	[REDACTED]	
✓ 31	7/24/25	Rebecca [REDACTED]	[REDACTED]	Monticello
		Rebecca [REDACTED]	Wurtsboro, NY 12790	
✓ 32	7/24/25	Copthorne [REDACTED]	[REDACTED] Wurtsboro, NY 12790	Monticello
		[REDACTED]	[REDACTED]	
✓ 33	7/24/25	Barbara [REDACTED]	[REDACTED]	Montic
		BARBARA [REDACTED]	Wurtsboro NY 12790	
34				
35				



STATE OF NEW YORK

COMMITTEE ON PUBLIC ACCESS TO RECORDS

EXHIBIT SB

FOIL-AO-2828

162 WASHINGTON AVENUE, ALBANY, NEW YORK 12231  
(518) 474-2518, 2791

COMMITTEE MEMBERS

THOMAS H. COLLINS  
ALFRED DEL BELLO  
JOHN C. EGAN  
MICHAEL FINNERTY  
WALTER W. GRUNFELD  
MARCELLA MAXWELL  
STEPHEN PAWLINGA  
BARBARA SHACK  
GAIL S. SHAFFER  
GILBERT P. SMITH, Chairman

EXECUTIVE DIRECTOR  
ROBERT J. FREEMAN

March 10, 1983

Mr. Steven M. Martin  
Kaye, Scholer, Fierman, Hays & Handler  
425 Park Avenue  
New York, New York 10022

The staff of the Committee on Public Access to Records is authorized to issue advisory opinions. The ensuing staff advisory opinion is based solely upon the facts presented in your correspondence.

Dear Mr. Martin:

I have received your letter of March 4 in which you requested an advisory opinion under the Freedom of Information Law.

Specifically, as Counsel to the City School District of New Rochelle, you inquired with respect to "the disclosure of nominating petitions filed by candidates seeking election to the board of education pursuant to Article 53 of the Education Law." Your questions are whether the petitions are accessible in their entirety, or whether the names, addresses, or both that identify those who sign the petitions may be withheld or deleted on the ground that disclosure would constitute an unwarranted invasion of personal privacy pursuant to §87(2)(b) of the Freedom of Information Law. You also asked whether the Committee has developed guidelines under §89(2)(a) of the Freedom of Information Law that might be applicable to the situation and the records that you described.

In my opinion, the petitions are likely available to the public in their entirety for the following reasons.



Mr. Steven Martin  
March 10, 1983  
Page -2-

First, although the petitions would identify individuals by means of names and addresses relative to a particular candidate, as you are aware, names and addresses of registered qualified voters are accessible generally under §2606(6) of the Education Law. As such, the identifying details found within a petition are the same as those required to be made available by means of a different record.

Second, while the Education Law does not make specific reference to the capacity to disclose or withhold nominating petitions, I believe that the petitions have routinely been available. Having discussed the matter with a representative of the Office of Counsel at the State Education Department, it was indicated that appeals to the Commissioner have been made on several occasions regarding challenges to petitions. Therefore, by implication, to initiate a challenge based upon a petition, it would appear that the petition must first be made available. Further, the attorney at the Education Department with whom I spoke did not express any reason based upon the Education Law that might be cited for the purpose of justifying a denial of access to a nominating petition.

Lastly, the Committee has not developed guidelines regarding the deletion of identifying details to protect against unwarranted invasions of personal privacy. In brief, it is the Committee's view that in many instances it would be inappropriate to impose its subjective judgments regarding privacy upon others. The resolution of questions regarding personal privacy is dependent upon personal points of view. Stated differently, while one reasonable person might view a record and contend that disclosure would be offensive, thereby resulting in an unwarranted invasion of personal privacy, an equally reasonable person might view the same record and feel that disclosure would be innocuous, thereby resulting in a permissible invasion of personal privacy. Moreover, there are virtually thousands of records in possession of state and local agencies containing personally identifiable details. As such, the task of developing guidelines regarding such a broad variety of records would be extremely burdensome.

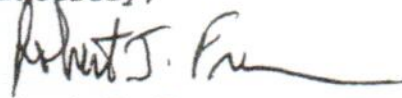


Exhibit SB

Mr. Steven Martin  
March 10, 1983  
Page -3-

I hope that I have been of some assistance. Should any further questions arise, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert J. Freeman", with a long horizontal flourish extending to the right.

Robert J. Freeman  
Executive Director

RJF:jm

RUSSELL REEVES  
CLERK

DOREEN HUEBNER  
DEPUTY CLERK



TEL: 845-807-0411  
FAX: 845-807-0434

## SULLIVAN COUNTY CLERK'S OFFICE

SULLIVAN COUNTY GOVERNMENT CENTER

100 NORTH STREET  
PO BOX 5012  
MONTICELLO, NY 12701

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AUG 12 2025

Sullivan County Court

### DOCS TO COURT

Index # 2025-1546

### SUMMONS

~~COMPLAINT~~ Verified Petition

RJI (2 Duplicate Orig)

POOR PERSON ORDER

AFFIDAVIT IN SUPPORT

NOTICE OF MOTION

ORDER TO SHOW CAUSE

AFFIDAVIT OF SERVICE

Exhibits

✓

✓

✓

✓



# REQUEST FOR JUDICIAL INTERVENTION

SUPREME COURT, COUNTY OF SULLIVAN

UCS-840  
(rev. 12/16/2024)

Index No: 2025-1546

Date Index Issued: 8/07/25

For Court Use Only:

**CAPTION** Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

John Buying

IAS Entry Date

-against-

RECEIVED  
Office of the Court Clerk

Plaintiff(s)/Petitioner(s)

Judge Assigned

Mamakating Library

AUG 12 2025

RJI Filed Date

Sullivan County Court

Defendant(s)/Respondent(s)

**NATURE OF ACTION OR PROCEEDING** Check only one box and specify where indicated.

## COMMERCIAL

- ☐ Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)  
☐ Contract  
☐ Insurance (where insurance company is a party, except arbitration)  
☐ UCC (includes sales and negotiable instruments)  
☐ Other Commercial (specify): \_\_\_\_\_

**NOTE:** For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the **COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C)**.

## TORTS

- ☐ Asbestos  
☐ Environmental (specify): \_\_\_\_\_  
☐ Medical, Dental or Podiatric Malpractice  
☐ Motor Vehicle  
☐ Products Liability (specify): \_\_\_\_\_  
☐ Other Negligence (specify): \_\_\_\_\_  
☐ Other Professional Malpractice (specify): \_\_\_\_\_  
☐ Other Tort (specify): \_\_\_\_\_

## SPECIAL PROCEEDINGS

- ☐ Child-Parent Security Act (specify): ☐ Assisted Reproduction ☐ Surrogacy Agreement  
☐ CPLR Article 75 – Arbitration [see **NOTE** in **COMMERCIAL** section]  
☒ CPLR Article 78 – Proceeding against a Body or Officer  
☐ Election Law  
☐ Extreme Risk Protection Order  
☐ MHL Article 9.60 – Kendra's Law  
☐ MHL Article 10 – Sex Offender Confinement (specify): ☐ Initial ☐ Review  
☐ MHL Article 81 (Guardianship)  
☐ Other Mental Hygiene (specify): \_\_\_\_\_  
☐ Other Special Proceeding (specify): \_\_\_\_\_

## MATRIMONIAL

- ☐ Contested

**NOTE:** If there are children under the age of 18, complete and attach the **MATRIMONIAL RJI ADDENDUM (UCS-840M)**.

For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (UD-13).

## REAL PROPERTY

Specify how many properties the application includes: \_\_\_\_\_

- ☐ Condemnation  
☐ Mortgage Foreclosure (specify): ☐ Residential ☐ Commercial

Property Address: \_\_\_\_\_

**NOTE:** For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the **FORECLOSURE RJI ADDENDUM (UCS-840F)**.

- ☐ Partition

**NOTE:** Complete and attach the **PARTITION RJI ADDENDUM (UCS-840P)**.

- ☐ Tax Certiorari (specify): Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
☐ Tax Foreclosure  
☐ Other Real Property (specify): \_\_\_\_\_

## OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see **NOTE** in **COMMERCIAL** section]  
☐ Emergency Medical Treatment  
☐ Habeas Corpus  
☐ Local Court Appeal  
☐ Mechanic's Lien  
☐ Name Change/Sex Designation Change  
☐ Pistol Permit Revocation Hearing  
☐ Sale or Finance of Religious/Not-for-Profit Property  
☐ Other (specify): \_\_\_\_\_

## STATUS OF ACTION OR PROCEEDING

Answer YES or NO for every question and enter additional information where indicated.

- |   | YES                   | NO                    |                              |
|---|-----------------------|-----------------------|------------------------------|
| Has a summons and complaint or summons with notice been filed?  | <input type="radio"/> | <input type="radio"/> | If yes, date filed: _____    |
| Has a summons and complaint or summons with notice been served? | <input type="radio"/> | <input type="radio"/> | If yes, date served: _____   |
| Is this action/proceeding being filed post-judgment?            | <input type="radio"/> | <input type="radio"/> | If yes, judgment date: _____ |

## NATURE OF JUDICIAL INTERVENTION

Check one box only and enter additional information where indicated.

- ☐ Infant's Compromise  
☐ Extreme Risk Protection Order Application  
☐ Note of Issue/Certificate of Readiness  
☐ Notice of Medical, Dental or Podiatric Malpractice  
☐ Notice of Motion  
☐ Notice of Petition  
☒ Order to Show Cause  
☐ Other Ex Parte Application  
☐ Partition Settlement Conference  
☐ Request for Preliminary Conference  
☐ Residential Mortgage Foreclosure Settlement Conference  
☐ Waiver of Court Costs, Fees, and Expenses  
☐ Writ of Habeas Corpus  
☐ Other (specify): \_\_\_\_\_

Date Issue Joined: \_\_\_\_\_

Relief Requested: \_\_\_\_\_

Relief Requested: \_\_\_\_\_

Relief Requested: \_\_\_\_\_

Relief Requested: \_\_\_\_\_

Return Date: \_\_\_\_\_

Return Date: \_\_\_\_\_

Return Date: \_\_\_\_\_

Stay and Orders



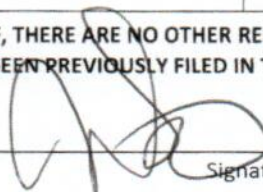
RELATED CASES				
List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the <b>RJI ADDENDUM (UCS-840A)</b> .				
Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES				
For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the <b>RJI ADDENDUM (UCS-840A)</b> .				
Un-Rep	Parties	Attorneys and Unrepresented Litigants	Issue Joined	Insurance Carriers
	List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 <sup>rd</sup> party plaintiff, etc.)	For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	For each defendant, indicate if issue has been joined.	For each defendant, indicate insurance carrier, if applicable.
<input checked="" type="checkbox"/>	Name: John Buying Role(s): Petitioner	64 Witte Dr., Middletown, NY 10940 JohnBuying@Yahoo.com 845-419-1270	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Name: Makakating Library Role(s): Defendant	Robert Schofield, Esq. 518-487-7600, rschofield@woh.com	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):	White, Osterman & Hanna LLP,	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):	One Commerce Plaza, Albany NY 12260	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
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<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
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<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 7 AUG 21

  
 \_\_\_\_\_  
 Signature  
 John Buying  
 \_\_\_\_\_  
 Print Name

Attorney Registration Number





# REQUEST FOR JUDICIAL INTERVENTION

SUPREME COURT, COUNTY OF SULLIVAN

UCS-840  
(rev. 12/16/2024)

Index No: 2025-1546

Date Index Issued: 05/07/25

For Court Use Only:

**CAPTION** Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

John Buying

IAS Entry Date

-against-

Plaintiff(s)/Petitioner(s)

Judge Assigned

Mamakating Library

Office of the Court Clerk

RJI Filed Date

AUG 12 2025

Sullivan County Court Defendant(s)/Respondent(s)

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☐ Notice of Motion Relief Requested: \_\_\_\_\_ Return Date: \_\_\_\_\_  
☐ Notice of Petition Relief Requested: \_\_\_\_\_ Return Date: \_\_\_\_\_  
☒ Order to Show Cause Relief Requested: Stay and Orders Return Date: \_\_\_\_\_  
☐ Other Ex Parte Application Relief Requested: \_\_\_\_\_  
☐ Partition Settlement Conference  
☐ Request for Preliminary Conference  
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---------	--

[illegible]

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Dated: 1 AUG 2

Signature  
John Boying

Print Name \_\_\_\_\_

Attorney Registration Number



STATE OF NEW YORK  
SUPREME COURT                      COUNTY OF SULLIVAN

---

In the Matter of the Application of  
JOHN BUYING,

Petitioner,

VERIFIED ANSWER

For a Judgment Pursuant to Article 78  
Of the Civil Practice Law and Rules

Index No. 2025-1546

Meagan K. Galligan, J.S.C.

- against -

MAMKATING LIBRARY,

Respondent.

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Office of the Court Clerk

AUG 29 2025

Sullivan County Court

Respondent Mamakating Library ("Respondent" or the "Library"), by and through its attorneys, Whiteman Osterman & Hanna LLP, as and for its Verified Answer to Petitioner's Verified Complaint, states as follows:

1. Denies knowledge of information sufficient to form a belief as to the truth of the allegations in Paragraph "1" of the Verified Petition, and affirmatively states that Petitioner serves as a Trustee of Respondent.
2. Admits the allegations in Paragraph "2" of the Verified Petition and affirmatively states that the Library is a duly chartered education corporation and special legislative district public library authorized by the New York State Legislature in L. 2003, Ch. 392, approved by the voters on August 19, 2003, and chartered by the New York State Board of Regents on March 23, 2004.
3. Denies in the allegations in Paragraph "3" of the Verified Petition.
4. Respectfully refers the Court to both the Open Meetings Law for its contents and

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Office of the Court Clerk

AUG 29 2025

Sullivan County Court

legal effect, and Exhibits 1A and 1B for their factual contents and legal effect, affirmatively states that the Library's meetings, motions, voting and minutes comply with the Open Meetings Law, and otherwise denies each and every allegation of the paragraphs following marker "1)" of the Verified Petition.

5. Respectfully refers the Court to both Education Law 226(4) for its contents and legal effect, and Exhibits 2A, 2B and 2C for their factual contents and legal effect, affirmatively states that Trustee Mann's absences in the August 2023-October 2023 were "excused," and otherwise denies each and every allegation of the paragraphs and allegations following marker "2)" of the Verified Petition.

6. Respectfully refers the Court to both Public Officers Law §§ 10 and 30 for their contents and legal effect, and Exhibits 3A, 3B and 3C for their factual contents and legal effect, affirmatively states that several of the alleged defects in Trustee Oaths have been cured, but not, ironically, Petitioner's own Oath filing defect, and otherwise denies each and every allegation of the paragraphs and allegations following marker "3)" of the Verified Petition.

7. Respectfully refers the Court to L 2003, Ch. 392 for the Library's election procedures, affirmatively states that the ballot was sufficiently clear to allow voters to make their choice regarding election of trustees, and otherwise denies each and every allegation of the paragraphs and allegations following marker "4) a)" of the Verified Petition.

8. Respectfully refers the Court to L 2003, Ch. 392 for the Library's election procedures, disclaims a legal obligation to issue absentee ballots under that unconsolidated law, affirmatively states that, notwithstanding its lack of legal duty, it did make absentee ballots available to voters who requested them in accordance with the Library's procedures, and otherwise denies each and every allegation of the paragraphs and allegations following marker "4) b)" of the

Verified Petition.

9. Respectfully refers the Court to L 2003, Ch. 392 for the Library's election procedures, disclaims a legal obligation to allow Petitioner to participate in the vote-counting process, affirmatively states that, notwithstanding its lack of a legal duty, the counting process is conducted in a manner which allows voters, including Petitioner when he does not leave the voting site, to observe it behind glass from another room, and otherwise denies each and every allegation of the paragraphs and allegations following marker "4) c)" of the Verified Petition.

10. Denies each and every allegation of the paragraphs and allegations following marker "4) d)" of the Verified Petition.

11. The paragraphs and allegations following marker "4) e)" of the Verified Petition are a legal argument to which no responsive pleading is required, but to the extent such allegations are deemed to be factual in nature, Respondent denies each and every allegation of the paragraphs and allegations following marker "4) e)" of the Verified Petition.

12. Respectfully refers the Court to both L 2003, Ch. 392 for the Library's election procedures and to Exhibits 5A and 5B for their factual contents and legal effect, has retained the original unredacted petitions for court review, affirmatively states that the Library contacted the Committee on Open Government for their advice before redacting the petitions, and otherwise denies each and every allegation of the paragraphs and allegations following marker "4) f)" of the Verified Petition.

13. The paragraphs and allegations following the second paragraph "4." of the Verified Petition are a recitation of the Exhibits attached to the Petition to which no responsive pleading is required and, to the extent such allegations are deemed to be factual in nature, denies each and every allegation of the paragraphs and allegations following the second paragraph "4)" of the



Verified Petition.

14. Denies knowledge and information sufficient to form a belief as to the truth of Paragraph "5." of the Verified Petition.

**AS AND FOR A FIRST OBJECTION IN POINT OF LAW**

15. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

**AS AND FOR A SECOND OBJECTION IN POINT OF LAW**

16. Plaintiff's claims fail to state a cause of action on which relief may be granted.

**AS AND FOR A THIRD OBJECTION IN POINT OF LAW**

17. Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands, laches, waiver, or estoppel

**AS AND FOR A FOURTH OBJECTION IN POINT OF LAW**

18. Plaintiff's claims are moot.

**AS AND FOR A FIFTH OBJECTION IN POINT OF LAW**

19. Plaintiff's claims are barred, or in the alternative reduced, by his own culpable conduct.

**AS AND FOR A SIXTH OBJECTION IN POINT OF LAW**

20. Plaintiff's claims are barred, in whole or in part, for failure to join a necessary party.

**AS AND FOR A SEVENTH OBJECTION IN POINT OF LAW**

21. Plaintiff's claims are barred, in whole or in part, by documentary evidence.

**AS AND FOR AN EIGHTH OBJECTION IN POINT OF LAW**

22. At all times herein the Respondent's actions and decisions were founded upon a rational basis and were neither arbitrary nor capricious. As such, this Court may not substitute its

judgment for that of Respondent.

**AS AND FOR A NINTH OBJECTION IN POINT OF LAW**

23. In regard to Petitioner's election-based claims, Petitioner cannot meet his burden of demonstrating that any alleged election process deficiency actually affected the outcome of the election.

**WHEREFORE**, Respondent respectfully requests that the Petition be dismissed in its entirety, with prejudice, together with the costs, disbursements and attorney's fees pursuant to CPLR 8303-a, and further request that the Court grant such other and further relief as the Court deems just and proper.

Dated: August 29, 2025

WHITEMAN OSTERMAN & HANNA LLP

BY: /s/ Robert Schofield

Robert T. Schofield, Esq.

Joseph Zeitler, Esq.

*Attorneys for Respondent*

One Commerce Plaza

Albany, New York 12260

Telephone: (518) 487-7600

rschofield@woh.com

TO: John Buying, *Pro Se*  
*Petitioner*  
64 Witte Drive  
Middletown, New York 10940  
johnbuying@yahoo.com

## VERIFICATION

STATE OF NEW YORK     )  
                                      ) SS.:  
COUNTY OF SULLIVAN    )

PATRICIA ANDERSEN, being duly sworn, deposes and says:

1. I am the President of the Board of Trustees of the Mamakating Library, the Respondent in the above referenced special proceeding.
2. I have read the foregoing Answer and know the contents thereof, the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.
3. This verification is made by deponent because the Mamakating Library is an education corporation and I am an Officer and Trustee thereof.
4. The grounds of my belief as to all matters not stated upon my knowledge are a review of books, records, memoranda, etc.

  
PATRICIA ANDERSEN

Sworn to before me this  
29 day of August, 2025

  
Notary Public

Robert T. Schofield  
Notary Public, State of New York  
Qualified in Albany County  
No. 02SC607791  
Commission Expires May 12, 2027



STATE OF NEW YORK  
SUPREME COURT      COUNTY OF SULLIVAN

---

In the Matter of the Application of  
JOHN BUYING,

Petitioner,

For a Judgment Pursuant to Article 78  
Of the Civil Practice Law and Rules

- against -

MAMKATING LIBRARY,

Respondent.

---

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AUG 29 2025

Sullivan County Court

Index No. 2025-1546

Meagan K. Galligan, J.S.C.

**RESPONDENT MAMAKATING LIBRARY'S  
MEMORANDUM OF LAW IN OPPOSITION TO  
PETITIONER'S ORDER TO SHOW CAUSE AND PETITION**

WHITEMAN OSTERMAN & HANNA LLP  
*Attorneys for Respondent*  
One Commerce Plaza  
Albany, New York 12260  
(518) 487-7600

Robert T. Schofield, Esq.  
Joseph F. Zeitler, Esq.,

*Of Counsel*

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## **PRELIMINARY STATEMENT**

Respondent Mamakating Library (the “Library”) submits this memorandum of law in opposition to Petitioner’s order to show cause which seeks an order: (i) staying or invalidating the Library’s August 2025 Budget Vote and Trustee Election; (ii) directing the Library to comply with New York State’s Open Meetings Law (“OML”); (iii) declaring the positions held by Library Trustees Pamela Mann (“Ms. Mann”), Jennifer Holmes (“Ms. Holmes”), and Pamela Rice-Woytowick (“Rice-Woytowick”) as vacant, appointing their replacements, and nullifying any actions undertaken by the same; (iv) requiring the Library to “undertake *de novo*” the Library’s 2024 Budget Vote and Trustee election; (v) granting Petitioner reimbursement for legal fees, costs and disbursements; and (vi) granting such other and further relief as the Court deems just and proper.

As discussed in greater detail herein, Petitioner has failed to set forth any legal or factual basis to support his request. At all times, the Library’s actions and decisions were founded upon a rational basis and were neither arbitrary nor capricious. Petitioner has failed to demonstrate any grounds meriting the requested extraordinary relief, and the Library asks that this Court dismiss the Petition in its entirety.

## **STATEMENT OF FACTS**

A full set of facts and circumstances can be found in the Verified Answer (“Answer”) and in Patricia Andersen’s (“Ms. Andersen”) accompanying affidavit (“Aff. of P. Andersen”) and exhibits thereto, and the exhibits to the Petition. For the reason set forth below and in the accompanying affidavit, the Library respectfully submits that the Petition be dismissed in its entirety.

## **ARGUMENT**

### **POINT I**

#### **THE LIBRARY COMPLIED WITH THE NEW YORK STATE PUBLIC OFFICERS LAW**

##### **a. The Library Properly Recorded Its Meeting Minutes**

Pursuant to New York State Public Officers Law § 106, the minutes taken at an open meeting of the Library must “consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.” Here, the meeting minutes Petitioner complains of clearly include a summary all motions, proposals, resolutions and other matters formally voted upon.

Petitioner complains of the meeting minutes from March 12<sup>th</sup> and August 6<sup>th</sup> of 2024, but the exhibits he cites to are the meeting minutes from March and April of 2025. *See* Petition at ¶ 1, Ex. 1A and Ex. 1B. The actual March and August 2024 meeting minutes, attached as Exhibits B and C to the Aff. of P. Andersen, include the language quoted by Petitioner. Both the March and August 2024 meeting minutes set forth separate sections for the items discussed, including new business, motions, and votes, among others. For example, section 9 of the March 12, 2024, meeting minutes sets forth the following:

NYS Deferred Compensation Plan – documents in Board Portal  
Motion to accept the resolution of The State of New York Deferred  
Compensation Plan using the language provided by The State of New York  
Deferred Compensation Plan made by Pamela Mann, seconded by Jennifer  
Holmes. Nay vote by John Buying. Motion carries.

Aff. of P. Andersen at Ex. B. Likewise, section 2 of the August 6, 2024, meeting minutes sets forth the following:

Adoption of Agenda  
Motion to adopt agenda as amended made by Chelsea Roth, seconded by  
Pamela Mann. Nay vote by John Buying, motion carried.

Aff. of P. Andersen at Ex. C.

As demonstrated in the examples above, the minutes clearly provide a summary of the motions voted on, and thus Petitioner's claim that the meeting minutes do not "specify[] the motion," or otherwise fail to provide a summary, is without merit. Petition at ¶ 1; *see also Goldberg v. Elia*, 174 A.D.3d 1214, 1215 (3<sup>rd</sup> Dept. 2019) ("[The] meeting minutes attached to the petition confirm, that the Board met its statutory obligation of preparing minutes that summarized all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.") (internal quotations omitted). Further, with respect to each motion, the meeting minutes set forth which trustee made the motion, which trustee seconded the motion, which trustees voted against the motion, and by simple deduction, the result of each vote.

Petitioner offers no evidence supporting his claim that the Library's meeting minutes were made in violation of law or that the Library's actions with respect to the meeting minutes are otherwise arbitrary and capricious. While Petitioner disagrees with the format of the meeting minutes, his disagreement does not negate the fact the Library's actions with respect to the meeting were taken upon a rational basis. *See C.K. v. Tahoe*, 211 A.D.3d 1, 11 (3<sup>rd</sup> Dept. 2022) ("When a determination is supported by a rational basis, it must be sustained even if the reviewing court would have reached a different result.") (internal quotations omitted). The meeting minutes plainly satisfy the requirements of Public Officers Law § 106 that they contain a record or summary of all motions formally voted upon and the vote thereon. Thus, Petitioner's claim must be dismissed.

**b. Petitioner's Claims Are Time Barred**

Even if the Library's meeting minutes do not meet the applicable statutory requirements, which they do, Petitioner's claims are barred by the applicable statute of limitations. Petitioner raises issues with the meeting minutes from March 12<sup>th</sup> and August 6<sup>th</sup> of 2024, which were



adopted by the Board on April 9, 2024 and September 9, 2024, respectively. Both adoption dates are well beyond the four-month statute of limitations applicable in a review through an Article 78 proceeding. *See* CPLR § 217.

## **POINT II**

### **THE LIBRARY COMPLIED WITH ITS BY-LAWS AND NEW YORK STATE EDUCATION LAW § 226**

#### **a. Pamela Mann's Absences Were Properly Excused**

Here, the documentary evidence shows that Trustee Mann was properly excused from the Library's Board of Trustees (the "Board") meeting held on August 9, 2023. Attached as Exhibit D to the Aff. of P. Andersen is an email, dated August 7, 2023, in which Ms. Mann notified both Ms. Andersen, the President of the Board, and Cheryl Jones, the Library Director, in advance of the meeting, that she would be absent from the meeting held on August 9, 2023, due to the need to be unexpectedly away. Ms. Andersen responded to Ms. Mann's email and thanked her for letting her know that she would not be in attendance at the upcoming meeting. *See* Aff. of P. Andersen at Ex. D.

Likewise, as part of an email discussion involving the entire Board regarding a request to alter the day of the Board's standing monthly meeting from Tuesday to Wednesday, Trustee Mann informed the entire Board, in writing, that if the meeting day was changed, she would be absent from the Board meetings in September and October. There were no objections from the Board to Trustee Mann's disclosure regarding those absences. *See* Aff. of P. Andersen at Ex E.

Petitioner also, claims that the meeting minutes do not indicate that Ms. Mann was formally excused. However, the Board is under no obligation to record a formal excuse in its meeting minutes and Petitioner is the only member of the Board raising any concern. Moreover, Petitioner

has set forth no evidence that indicates that the Board acted without a rational basis when it excused Ms. Mann from the meeting on held on August 9, 2023, or the meetings held in September and October of 2023. *See Spence v. State Univ. of New York*, 195 A.D.3d 1270, 1271 (3<sup>rd</sup> Dept. 2021) (“An action is arbitrary and capricious when it is taken without sound basis in reason or regard to the facts. When a determination is supported by a rational basis, it must be sustained even if the reviewing court would have reached a different result.”) (internal citations and quotations omitted).

**b. Petitioner’s Claims Are Time Barred And Are Otherwise Moot**

Even if Ms. Mann was not properly excused, which she was, Petitioner’s claims are barred by the applicable statute of limitations. Petitioner raises issues with Ms. Mann’s attendance from August, September and October of 2023, which are far beyond the applicable four-month statute of limitations. *See* CPLR § 217. In addition, Ms. Mann ran for reelection to the Board at the Library’s August 19, 2025 election and was reelected.<sup>1</sup> Thus, Petitioner’s claim that Ms. Mann should be removed from the Board due to her absences in 2023 are moot. In light of her reelection, neither the Library’s By-Laws nor Education law § 226 require her removal from a new term for absences in a prior term.

**POINT III**

**PETITIONER’S CLAIMS REGARDING  
NEW YORK PUBLIC OFFICERS LAW §§ 10 AND 30 ARE MOOT**

In 2024, the Library became aware of issues related to the timely taking and filing of oaths by the Board’s trustees following their respective elections, and thereafter promptly took steps to clarify and correct said issues. A summary of the issues related to the Board’s trustees and the

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<sup>1</sup> Although the results of the vote are awaiting certification, the unofficial results show Trustee Mann being reelected to a four-year term. Given that Ms. Mann was one of two candidates on the ballot for two open seats on the Board, this comes as no surprise.

actions taken by the Board in response is outlined in the letter from the Library's Director, Ms. Jones, to Lauren Moore, the New York State Librarian at the New York State Education Department. A copy of this letter is attached as Exhibit F to the Aff. of P. Andersen. Further, the Library sought legal counsel regarding the issues related to its trustees' oaths in an effort to determine the correct course of action needed to address such issues. *See* Aff. of P. Andersen at Ex. A, at pp. 20. Thereafter, the Library had all the trustees retake their oaths, and such oaths were filed with the Sullivan County Clerk's Office on July 9, 2024. *See* Aff. of P. Andersen at Ex. F.

While Petitioner complains of the oath taken by Ms. Mann, Ms. Mann has since been reelected (*see*, Point II, supra) and so any issue related to her previous oath is now moot. Further, in the event that Ms. Holmes and Ms. Rice-Woytowick are required to vacate their seats as a result of the issues related to their oaths, the remaining five Board members, who constitute a quorum, have the right to fill the vacant positions by a majority vote, and the appointees shall then hold office until the next annual election of trustees. Education Law §226 (4).

#### **POINT IV**

##### **THE LIBRARY PROPERLY CONDUCTED THE 2024 ELECTION**

###### **a. Petitioner's Claims Related to the 2024 Election Are Time Barred**

As a first matter, all of Petitioner's claims related to the 2024 election are barred by the applicable statute of limitations. Petitioner raises numerous issues regarding the 2024 election, which took place on August 20, 2024. Even if Petitioner's claims had any merit, which they do not, his claims are far beyond the longest applicable statute of limitations: four months under CPLR § 217.<sup>2</sup>

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<sup>2</sup> Were an argument to be made that the Library election was governed by either the Education Law or the Election Law, the time period in which to commence a challenge would be even shorter. See, e.g., Education Law § 310 and 8 NYCRR §275.16; Election Law § 16-106(6).



**b. The 2024 Election Was Properly Conducted**

***(1) There is no evidence of voter confusion.***

Even if Petitioner's claims were not time barred, which they are, all aspects of the 2024 election were properly conducted. First, the 2024 election ballot was in proper form. Petitioner, in conclusory fashion and with no supporting evidence, states that the results of the 2024 election "clearly shows that voters were confused about which section to use. The ballot format fundamentally distorted voter intent and undermined the democratic process." *See* Petition at ¶ 4(a). Petitioner claims that because the ballot contained two separate sections, one to select candidates to fill two seats for four-year terms and one section to select a candidate to fill a vacant seat through 2025, it somehow "misled voters into believing they could only vote for two candidates total." *Id.* Petitioner, however, provides no evidence that any voters were actually confused or misled, or that the election results changed as a result of such confusion, despite the fact that it is Petitioner's burden to set forth competent evidence supporting his claim. *See Poster v. Strough*, 299 A.D.2d 127, 138 (2<sup>nd</sup> Dept. 2002) ("In general, the petitioner has the burden of proving the allegations of his or her petition in a CPLR article 78 proceeding.") *citing Bergstein v. Bd. of Ed., Union Free Sch. Dist. No. 1 of Towns of Ossining, Et Al.*, 313 N.E.2d 767, 769 (1974); *Matter of Parietti v Town of Ramapo*, 153 A.D.3d 1418, 1419 (2<sup>nd</sup> Dept. 2017) (holding, in an Article 78 proceeding regard election irregularities, that "[c]ontrary to the petitioners' contentions, the Supreme Court properly concluded that they failed to present proof that the alleged irregularities and/or misconduct by the Town in conducting the special election had any impact on the outcome."); *Badillo v. Santangelo*, 15 A.D.2d 341, 342 (1<sup>st</sup> Dept. 1962).

***(2) There was no obligation to send absentee ballots.***

Petitioner likewise fails to set forth any evidence, other than his own conclusory statements,

to support his claim that the Library somehow failed to send absentee ballots to eligible voters who requested them or otherwise denied such voters' requests for absentee ballots. Further, Petitioner provides no evidence in support of his claim that the Library is required to automatically send absentee ballots to those voters set forth on the permanently disabled list; the Library is under no legal obligation to do so.

Section 2 of the Library's enabling statute sets for the specific processes and procedures for the Library's elections. *See* L. 2003, Ch. 392, §2, a copy of which is attached hereto as Exhibit A. Section 2 makes no mention of absentee ballots, nor does it require the Library to issue absentee ballots. Moreover, Section 2 imposes the obligation to conduct the annual election on the Board of Trustees. L. 2003, Ch. 392, §2[2]. No where in the legislation is there any directive to: follow the Election Law, utilize the Board of Elections to administer the election, or issue absentee ballots to persons on a standing absentee ballot list.

Although Petitioner claims that the "two excel spreadsheets" provided to him by the Sullivan County Board of Elections somehow support his claim that the Library did not send absentee ballots to those who requested them, he conveniently did not include said spreadsheets in his Petition, and he did not provide those spreadsheets until August 28, 2025. *See* Petition at ¶ 4(b). A review of those two spreadsheets, and Petitioner's accompanying "explanation," likewise do not provide any support for Petitioner's claims. Again, Petitioner has the burden of proof, and he has wholly failed to set forth any evidence supporting his claim that the Library failed to provide absentee ballots.

***(3) There was no error made in the counting process.***

Lastly, with respect to the 2024 election, Petitioner's claims that the Library committed some violation by not permitting Petitioner to observe the vote counting process is wholly without

merit. There is no provision in the Library's enabling statute, its By-Laws, or any other applicable law or rule giving voters the right to witness the tally of the votes.

Petitioner, other trustees, and members of the public are provided with an opportunity to view the ballot county through glass from a hallway adjacent to where the ballots are counted. This was true in both 2024 and 2025. It is also true that, notwithstanding his right to watch the counting in the manner, along with other members of the public, Petitioner failed to take advantage of such opportunity in both 2024 and 2025. In both years, Petitioner left the Library during the vote count.

The election inspectors for the 2024 election properly performed their duties, including the tallying of votes, and Petitioner has set forth no evidence beyond his mere speculation that there were any issues with the election. The Library acted in accordance with the applicable law and upon a rational basis when it denied Petitioner the right to observe the vote counting process.

#### **POINT V**

#### **THE LIBRARY'S REDACTION OF THE 2025 NOMINATING PETITIONS WAS REASONABLE**

The Library's decision to redact the nominating petitions for the 2025 election was made upon a rational basis. Over the past few years, Petitioner has exhibited increasingly erratic and intimidating behavior directed at Library staff and trustees. Attached as Exhibit G to the Aff. of P. Andersen are numerous complaints filed against Petitioner based on his harassing and intimidating behavior. As a result of Petitioner's past behavior, the Library redacted the names and addresses of those on the nominating petitions in an effort to protect those listed from potential retaliation on the part of Petitioner. Further, the Library contacted the New York State Committee on Open Government ("COOG") regarding the redacted petitions, and, in response, Kristin O'Neill, the Deputy Director and Counsel, stated that "I don't see what legal action could be asserted against



you. You issued a determination, making redactions as you believe to be appropriate.” Aff. of P. Andersen at Ex. H. Thus, based on the information provided by COOG and Petitioner’s past problematic behavior, the Library’s decision to redact the nominating petitions were reasonable.

### **CONCLUSION**

The Library respectfully request that the Court dismiss the Petition in its entirety and grant the Library any other relief that the Court deems just and proper.

Dated: August 29, 2025

WHITEMAN OSTERMAN & HANNA LLP

BY: /s/ Robert Schofield

Robert T. Schofield, Esq.

Joseph Zeitler, Esq.

*Attorneys for Respondent*

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Albany, New York 12260

Telephone: (518) 487-7600

rschofield@woh.com

TO: John Buying, *Pro Se*  
*Petitioner*  
64 Witte Drive  
Middletown, New York 10940  
johnbuying@yahoo.com

# Exhibit A

AN ACT in relation to creating the Mamakating library district in the town of Mamakating, New York

Became a law August 19, 2003, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Creation of library district. Notwithstanding the provisions of any general, special, or local law to the contrary, there is hereby created and established in the town of Mamakating, county of Sullivan, a public library district which shall consist of that portion of the town of Mamakating served by the Minisink, Pine Bush and Monticello school districts, and shall be known as the Mamakating library district.

§ 2. Election. 1. The public library district described in this act shall not come into existence unless and until it is approved, the initial proposed budget is approved, and five trustees are elected by a vote of the majority of the qualified voters voting in an election held pursuant to the following provisions:

Upon receipt of a petition signed by not less than fifty voters qualified to vote at a general election and residing within the area of the proposed district, the board of trustees of the existing Mamakating library shall give notice of an election to be held prior to October 31, 2003. If a majority of the voters approve the formation of the district, then the district shall come into existence on the terms and conditions set forth in this act. At such election the issue shall be:

(a) whether the public library district described in this act shall be created or not on or about January 1, 2004;

(b) whether the initial budget therefor proposed by the board of trustees of the Mamakating library shall be approved or disapproved; and

(c) the election of five trustees as provided by this act.

The trustees of the existing Mamakating library shall give notice of such election by the publication of a notice in one or more newspapers having a general circulation in the district to be served. The first publication of such notice shall be not less than thirteen days and not more than twenty days prior to the date of such election. In addition, the board of trustees of the existing Mamakating library shall cause copies of such notice to be posted conspicuously in three public places in the district at least thirteen days prior to the date of such election. Such notice shall specify the time when and the place where such election will be held, the issues to be decided at such election and the hours during which polls will be open for the receipt of ballots thereof at all elections from 12:00 p.m. until 9:00 p.m. The board of trustees of the existing Mamakating library shall designate a resident qualified voter of such district to act as chairperson of any election of such district and shall designate not less than two nor more than four resident qualified voters at the polling place which shall be the

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.



Mamakating library to act as election inspectors and ballot clerks at such elections. No trustee or candidate for the office of trustee shall serve as chairperson or as an election inspector or ballot clerk. The board of trustees may adopt a resolution providing that such chairperson, election inspectors and ballot clerks shall be paid for their respective services at the initial election or at subsequent elections, should the new library district be created. Such resolution, if adopted, may fix reasonable compensation for services of such officials. Every voter, otherwise qualified to vote at a general election and residing within the area of the proposed district shall be qualified to vote at said election. After the polls have closed at such election, the election inspectors and the ballot clerks shall immediately canvass publicly the ballots cast and the chairperson of the election shall publicly announce the result. Within seventy-two hours thereafter, the chairperson, election inspectors, and ballot clerks shall execute and file a certificate of the result of the canvass with the board of trustees and the Mamakating town clerk.

2. In the event that the district is created, there shall be an annual election conducted by the board of trustees of the Mamakating library district in accordance with the provisions of subdivision one of this section, at a time to be set by the board, at which election vacancies on the board of trustees shall be filled and at which any proposed budget which the board shall determine to submit to the voters pursuant to section four of this act shall be submitted to the voters.

3. Candidates for the office of member of the board of trustees of the Mamakating library district shall be nominated by petition. No vacancy on the board of trustees to be filled shall be considered a separate, specific office. A separate petition shall be required to nominate each candidate for a vacancy on the board. Each petition shall be directed to the secretary of the board of trustees, shall be signed by at least twenty-five qualified voters of the district, shall state the residence of each signer, and shall state the name and residence of the candidate. In the event that any such nominees shall withdraw candidacy prior to the election, such person shall not be considered a candidate unless a new petition nominating such person in the same manner and within the same time limitation applicable to other candidates is filed with the secretary of the board of trustees. Each petition shall be filed with the secretary of the board of trustees between the hours of 1:00 p.m. and 5:00 p.m., not later than the thirtieth day preceding the election at which time the candidates nominated are to be elected. In the event that the new district is created, petitions nominating candidates for the board of trustees after the initial election shall be filed with the secretary of the Mamakating library district.

4. At any election in such district, the voters may adopt a proposition providing that, in all subsequent elections, vacancies on the board of trustees shall be considered separate, specific offices and that the nominating petitions shall describe the specific vacancy upon the board of trustees for which the candidate is nominated, which description shall include at least the length of the term of the office and the name of the last incumbent, if any. No person shall be nominated for more than one specific office. Such procedure shall be followed with respect to all nominations and elections in subsequent years until and unless such proposition is repealed by the electors of the district at a regular election by adoption of a proposition to repeal the same.

§ 3. Organization and structure. The Mamakating library district shall be managed, operated, and controlled by a board of trustees consisting

of five members. The trustees shall take office on the first day of the month following their election and shall, at the first regular meeting of the board, determine when terms of office of each member shall expire as follows: the two trustees receiving the first and second highest number of votes shall serve for four years, the two trustees receiving the third and fourth highest number of votes shall serve for three years, and the trustee receiving the fifth highest number of votes shall serve for two years.

As vacancies occur, trustees shall be elected at the annual election provided for by this act to serve four year terms by the voters of the library district hereby created, such terms to commence on the first day of the month next following the election. Only qualified voters of the district shall be eligible for election to the board of trustees. The board of trustees at its first meeting each year shall elect or appoint a president and vice-president who shall be members of the board and a secretary, treasurer, and such other officers as they deem necessary. If the board so determines, the offices of secretary and treasurer may be held by individuals who are not members of the board of trustees and, in that event, such officer may, if the board so determines, receive compensation as fixed by resolution of the board.

§ 4. Finances. 1. The initial budget for the Mamakating library district shall be determined by a vote of the voters of the district in the initial election as hereinafter provided for. All future budgets that increase or decrease the Mamakating library proposed total operating expenditures over the total operating expenditures in the last preceding fiscal year's budget shall be submitted to the residents voting at the annual election of trustees pursuant to section two of this act. Funds voted for library purposes at the initial election and at all future budget elections shall be considered an annual appropriation therefor and shall be levied and collected yearly in the same manner and at the same time as other taxes in the town of Mamakating.

2. The board of trustees shall annually file with the clerk of the town of Mamakating, on or before the first day of October, an estimate of the proposed budget, including costs of library services, to be raised by levy for the library district in the fiscal year beginning on the first day of January of the following year. The town shall not make any change in the estimate of revenues or expenditures submitted by the board of the library district in preparation of its preliminary budget.

3. The town board of the town of Mamakating shall levy a tax against the real property lying within the Mamakating library district for the amount to be raised by tax as contained in the annual budget of the Mamakating library district. The town board may issue tax anticipation notes, revenue anticipation notes, and budget notes pursuant to article II of the local finance law to obtain the necessary moneys therefor.

4. The town board of the town of Mamakating shall have the power to authorize, sell, and issue bonds, notes, and other evidences of indebtedness pursuant to the local finance law in order to permit the library district to provide facilities or improved facilities for library purposes. Upon written request from the board of trustees of the Mamakating library district, after approval by the qualified voters of such district, the town board shall authorize, sell, and issue such bonds, notes, or other evidences of indebtedness as are necessary to accomplish the improvements specified in the notice. The proceeds of such bonds, notes, or other evidences of indebtedness shall be paid to the treasurer of the Mamakating library district and maintained in a segregated account in accordance with section 165.00 of the local finance law and

expended by the treasurer only on specific authorization by the board of trustees.

5. The board of trustees of the Mamakating library district may accept on behalf of the district any absolute gift, devise, or bequest of real or personal property and such conditional gifts, devises, or bequests as it shall by resolution approve.

6. The treasurer of the Mamakating library district shall be custodian of all funds of the library district, including gifts and trust funds paid over to the trustees. The board of trustees may authorize the investment of funds in the custody of the treasurer in the same manner in which school district funds may be invested. Proceeds of obligations received from the town may be invested in accordance with section 165.00 of the local finance law. The town of Mamakating shall promptly pay over to the Mamakating library district all moneys which belong to or are raised for the library district. No moneys shall be disbursed by the treasurer of the library district except after audit by the board of trustees. The board of trustees of the Mamakating library district shall audit all claims and shall order the payment thereof, except as otherwise provided by this section. No such claims shall be audited or ordered paid by the trustees unless an itemized voucher therefor shall be presented to the board of trustees for audit and allowance. The provisions of this section shall not be applicable to payment of claims of fixed salaries and amounts which the library districts may be required to pay on account of retirement contributions for past or current services to officers and employees of the library district. The treasurer shall keep such records in such manner as the board of trustees may require.

§ 5. Charter, commencement of operations, and transfer of property and employees. The initially elected trustees shall, within thirty days from the date of approval of the library district by the voters of the district, apply to the board of regents for a charter as a public library. On January 1, 2004, upon the granting of such a charter by the board of regents, then title to all liabilities and assets, including all property, real and personal, and all other tangible and intangible property, trust and other funds, and all other obligations, now held by the Mamakating library shall be transferred to, vested in, and be acquired by the Mamakating library district as established by this act. Upon the granting of such charter by the board of regents, all employees of the Mamakating library shall become employees of the library district upon the same terms and conditions of employment and at the same rate of pay as their previous employment by the Mamakating library.

§ 6. Ad valorem levy. The several lots and parcels of land within the area of said public library district are hereby determined to be benefited by the library facilities and devices existing as of the effective date of this act, and the town of Mamakating is hereby authorized to assess, levy, and collect the necessary expenses of operation, maintenance, and repair of such facilities and services and such capital improvements, including debt service on bonds, notes, or other evidences of indebtedness of the town issued for the purpose of the Mamakating library district, as may be hereafter authorized pursuant to the provisions of this act from such lots and parcels of land in the same manner and at the same time as other town charges.

§ 7. Education law. Except as otherwise provided by this act, the provisions of the education law relating to public libraries shall be applicable to the Mamakating library district established by this act.

§ 8. This act shall take effect immediately.



The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO

Temporary President of the Senate

SHELDON SILVER

Speaker of the Assembly

**CERTIFICATION OF COMPLIANCE WITH UNIFORM CIVIL RULE 202.8-b**

I hereby certify the foregoing Memorandum of Law, exclusive of caption, table of contents, table of authorities and signature block, is comprised of 2,796 words, and thus complies with Uniform Civil Rule 202.8-b.

Dated: August 29, 2025  
Albany, New York

/s/ Robert Schofield

Robert T. Schofield, Esq.

STATE OF NEW YORK  
SUPREME COURT                      COUNTY OF SULLIVAN

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In the Matter of the Application of  
JOHN BUYING,

Petitioner,

AFFIDAVIT

For a Judgment Pursuant to Article 78  
Of the Civil Practice Law and Rules

Index No. 2025-1546

Meagan K. Galligan, J.S.C.

- against -

MAMKATING LIBRARY,

Respondent.

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STATE OF NEW YORK        )  
  ) ss.  
COUNTY OF SULLIVAN    )

RECEIVED  
Office of the Court Clerk

AUG 29 2025

Sullivan County Court

PATRICIA ANDERSEN, being duly sworn, deposes and says:

1.       I am the President of the Board of Trustees of the Mamakating Library, the Respondent in the above referenced special proceeding.

2.       The Mamakating Library is a public special legislative district library created by the NYS Legislature (see, L.2003, Ch. 392 [attached to Respondent's memorandum of Law as Exhibit A]) to serve "that portion of the town of Mamakating served by the Minisink, Pine Bush and Monticello school districts" in Sullivan County, New York. Upon the Governor's signing on Chapter 392 on August 19, 2003, it became law, leading to an election the same day, at which the voters of the proposed district voted to: create the Library on or about January 1, 2004, approve the initial budget of the Library, and elect the initial five trustees of the library. After a successful vote, the Library was chartered by the Board of Regents of the State University as an educational

corporation on March 23, 2004.

3. The Library is now governed by a Board of Trustees comprised of seven elected members: myself, Petitioner, Jennifer Holmes, Chelsea Roth, Pamela Mann, Pamela Rice, and Mark Tourtellott.

4. Petitioner John Buying is nominally a Trustee of the Mamakating Library. He was elected to a four-year term on August 30, 2022. I say nominally because his term as a Trustee has been marked with regular, repeated, and unrelenting efforts to disrupt the operation of the Library's Board of Trustees. Notwithstanding his fiduciary obligations to the Library as a Trustee (see, Handbook for Library Trustees of New York State (2023 ed.), available at <https://nyslibrary.libguides.com/Handbook-Library-Trustees/home>; and see, Statement on the Governance Role of a Trustee or Board Member available at <https://www.regents.nysed.gov/sites/regents/files/documents/about/stmt07.pdf>), he regularly and often takes actions that are directly against the interests of the Library. Commencing this litigation is consistent with his efforts to disrupt the functioning of the Library's Board and, indeed, raises issues that have been previously addressed by the Board and its regulators in response to Petitioner's complaints.

5. In fact, to my knowledge, Petitioner has filed several complaints against the Library with the State Education Department's Division of Library Development, the state agency that regulates public libraries in New York. See, Exhibit A. Notably among these complaints are several which are raised in the Petition.

6. Petitioner has, for the last several years, taken opportunities to regularly raise, and re-raise issues before the Board despite being provided with information showing that the issues were vetted with experts and/or counsel and found to lack merit. He will nevertheless attempt to



dominate our meetings with frivolous motions, often contrary to legal advice, which do not get a second, but which nevertheless delay the business of the meeting. Given the lack of substance behind his actions, the remaining Trustees have concluded that his entire intention is merely to delay and disrupt the activities of the Board.

**Alleged Defects with Meeting Minutes, Motions, and Votes**

7. For several months, Petitioner has asserted that the Library is not correctly recording the votes of the trustees at Trustee meetings. This allegation is false.

8. The Library has sought legal counsel and the advice of the Committee on Open Government (“COOG”) with respect to its minutes. Our form of minutes has been reviewed both by counsel and COOG to confirm that they contain the required elements to be complete.

9. Notably, although the Petition suggests that Exhibit 1A are minutes from the “March 2024” meeting and Exhibit 1B are from the “August 2024” meeting, what is actually attached as Exhibit 1A are the Library Board’s minutes for its March 19, 2025 meeting. Similarly incorrect, Exhibit 1B are the Board’s minutes for its April 9, 2025 meeting.

10. Nevertheless, Exhibits 1A and 1B demonstrate that the required information is recorded for each motion: the nature of the motion, the movant and the second, and a record of the vote on the motion. The same is true for the minutes of March 12, 2024 (attached hereto for the convenience of the Court as Exhibit B) and the minutes of August 6, 2024 (attached hereto for the convenience of the Court as Exhibit C).

**Alleged Unexcused Absences of Trustee Mann**

11. Petitioner also asserts that Trustee Pamela Mann was absent without excuse from three meetings in a row in August, September and October of 2023 and, as a result, was “deemed

to have resigned” by operation of Education Law § 226(4).

12. Although it is true that Trustee Mann was absent from these meetings, her absences were not without excuse.

13. To the contrary, her absence for the August 2023 meeting was for an unexpected trip out of town for which she notified me in advance. See, Exhibit D. Consistent with the Library Board’s custom and practice, that absence was treated as excused and no Trustee other than Petitioner has ever raised any concern about Trustee Mann’s excuse.

14. Similarly, Trustee Mann’s absences from the September and October 2023 meetings were caused by the Board’s own decision to alter the meeting day during that time period from Tuesdays to Wednesdays. At the time that the change was being discussed, Trustee Mann told the Board that, while she had no objection to the change, the change would prevent her from attending those two meetings. The Board nevertheless decided to change the meeting night knowing that by doing so it would prevent Trustee Mann from attending. An email string documenting this discussion is attached here as Exhibit E.

15. Because Trustee Mann had a reasonable excuse for each of her three meetings, the Board had no objection to her absences; indeed, no Trustee other than Petitioner had any concern about Trustee Mann’s absences in 2023. It therefore cannot be said that her absences were unexcused as contemplated by Education Law §226(4).

16. It is also noteworthy that Pamela Mann is a conscientious and dedicated Trustee. She always notifies me when she has to miss a meeting, is one of the first people to reply to emails, and comes prepared to meetings, which is much more than I can say for Petitioner.

17. Finally, assuming the results of the August 19, 2025 election are certified, Trustee

Mann was recently reelected to a new four year term on the Board of Trustees, rendering moot the issue of whether she was deemed to have resigned in 2023 when she allegedly failed to attend three consecutive meetings without excuse.

**Alleged Failure to Timely File Oaths**

18. Petitioner also attempts to litigate an issue that he has raised before the State Education Department's Division of Library Development ("DLD"), to no avail. He does so notwithstanding that agency's determination, on June 26, 2025, that the issue "had been addressed to [DLD's] satisfaction." See, Exhibit A, at 17.

19. There is no question that several of the Trustee's Oaths of Office, while timely administered, were errantly filed in the wrong location (the Town Clerk's office rather than the County Clerk's office). When this issue was discovered, the Library sought the advice of counsel through the Ramapo-Catskill Library System ("RCLS"), the cooperative library system in which it is located. See, Exhibit A, at 20. It complied with the advice of the RCLS attorney and had the Trustees retake and refile their oaths with the County Clerk as well. See, Exhibit F.

20. This is not an instance where the Oaths were not filed at all, but rather an instance where there were uniformly and mistakenly filed in the wrong location.

21. Notably, Petitioner has not sued the Division of Library Development or RCLS, the two entities upon which the Library relied in an effort to resolve the issues surrounding our Oaths.

**Alleged Improper Ballot Format**

22. Petitioner asserts that the Ballot for the 2024 Trustee election was improperly formatted because it split the trustee election into one for two full terms and one to fill the balance of an unexpired term. While Petitioner presents an alternate approach the formatting of the ballot

– one that concededly could have been used – he fails to establish that the form of ballot used was either illegal, irrational, or arbitrary and capricious. He also fails to establish through proof in evidentiary form that the format of the ballot used in the election affected the outcome of the election.

23. The results of the 2024 election (Petition, Ex. 4B) shows that three trustees were elected: two to full four-year terms (Andersen and Toutellott) and one to fill the unexpired balance of a term created by vacancy (Roth). The mere fact that candidates got votes in each category neither proves voter confusion nor establishes that the election results were materially affected by such confusion, if any.

24. Notably, the August 20, 2024 election occurred roughly 12 months ago. Mr. Buying's Petition was not filed until August 2, 2025, nearly twelve months after the election. Based on conversations with counsel, I understand Petitioner's challenge to the 2024 election is untimely.

**Alleged Failure to Provide Absentee Ballots**

25. Petitioner asserts that the outcome of the 2024 election was affected by the Library's failure "to send absentee ballots to eligible voters who request them." This is not accurate and, to my knowledge, the Library is not under an obligation to issue absentee ballots in its elections.

26. Section 2 of the Library's enabling statute sets for the specific processes and procedures for the Library's elections. See L.2003, Ch. 392, §2. Section 2 makes no mention of absentee ballots, nor does it require the Library to issue absentee ballots. Section 2 imposes the obligation to conduct the annual election on the board of trustees (L. 2003, Ch. 392, §2[2]). No where in the legislation is there any directive to follow the Election Law, utilize the Board of



Elections to administer the election, or issue absentee ballots to persons on a standing absentee ballot list.

27. Instead, the Library has established its own absentee ballot process wherein it allows voters who seek an absentee ballot from the Library to vote by absentee for good cause. In doing so, it has gone beyond any legal obligation it has to allow absentee voting in its election.

28. Moreover, as noted above, it being nearly twelve months after the 2024 election, Petitioner's challenge to the 2024 election is untimely.

**Alleged Failure to Allow Transparency and Oversight During the Vote Counting Process**

29. Petitioner asserts that the Library has failed to conduct its election "in a manner that allows for public observation." He fails to cite any specific law or regulation in support of that obligation. In any event, the allegation is not true.

30. Petitioner, other trustees, and members of the public are provided with an opportunity to view the ballot county through glass from a hallway adjacent to where the ballots are counted. This was true in both 2024 and 2025. It is also true that, notwithstanding his right to watch the counting in the manner, along with other members of the public, Petitioner failed to take advantage of such opportunity in both 2024 and 2025. In both years, he left the Library during the vote count.

31. Petitioner has not asserted any legal support for his position, and he has failed to allege how the Library's action, if true, would have impacted the outcome of the election or his rights to a free and fair library election.

32. Moreover, as noted above, it being nearly twelve months after the 2024 election, Petitioner's challenge to the mechanism for counting for the votes in the 2024 Library election is

untimely.

**Petitioner's Challenge to the Library's Failure to Produce Unredacted Candidate Petitions**

33. It is true that the Library refused to produce unredacted nominating petitions submitted by trustee candidates in both 2024 and 2025. The Library's reasoning for this relates to Petitioner's acerbic personality and propensity to criticize, harass, and intimidate people who challenge him.

34. Attached please find Exhibit G, which is a package of complaints filed by library staff members and Trustees regarding treatment of them by Petitioner.

35. These examples of mistreatment, harassment, and intimidation form the Library's basis for refusing to give Petitioner unredacted copies of the Petitions. Instead, out of fear that Petitioner would misuse the petitions to contact and harass people who signed petitions for trustee candidates, it offered Petitioner the redacted copies of the petitions attached to the Petition as Exhibit 5A. The redacted copies of the petitions still allow a reviewer to determine whether the signers were valid voters of the District.

36. In so doing, the Library relied on advice received from staff at COOG who opined that in light of the harassment concerns, redaction of the Petitions would be a discretionary determination that could be sustained upon review. A copy of that email communication from COOG is attached as Exhibit H.

37. We now recognize the higher standard that applies to a redaction on this basis and concede that Petitioner is likely entitled to the unredacted candidate petitions. We are willing to provide them as a good faith resolution of this issue.

38. For the forgoing reasons, I respectfully request that the Petition be dismissed in its

entirety, with prejudice, together with the costs, disbursements and attorney's fees pursuant to CPLR 8303-a, and further request that the Court grant such other and further relief as the Court deems just and proper.

  
PATRICIA ANDERSEN

Sworn to before me this  
29<sup>th</sup> day of August, 2025

  
Notary Public

Robert T. Schofield  
Notary Public, State of New York  
Qualified in Albany County  
No. 02SC507791  
Commission Expires May 12, 2027

# **EXHIBIT A**





**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY,**  
NY 12234

---

Records Access Office  
89 Washington Avenue  
Room 121 EB  
Albany, NY 12234

August 14, 2025

Cheryl Jones  
cjones@rcls.org

Dear Cheryl Jones:

This is in response to your Freedom of Information Law request FL-CE-25/820 for State Education Department records regarding complaints against the Mamakating Library and/or its Board of Trustees since January 1, 2025.

We located four emails with accompanying attachments responsive to your request. Please find these documents attached.

Please be advised that portions of the attached documents have been redacted pursuant to the exemptions specified in the Public Officers Law ("POL") §87(2). Records were redacted if they contained a home address or home email address pursuant to POL §87(2)(b) as their release would constitute an unwarranted invasion of personal privacy (see POL §89[2]). Additionally, signature(s) were partially obscured to prevent generation of potentially unauthorized original signatures, pursuant to Public Officers Law §§87(2)(i) and 87(2)(b).

If you wish to appeal this response, you may do so within 30 days by emailing [FOILappeal@nysed.gov](mailto:FOILappeal@nysed.gov) or writing to:

Betty A. Rosa  
Commissioner of Education  
NYS Education Department  
Room 111, Education Building  
89 Washington Avenue  
Albany, NY 12234

Sincerely,

*Amy Heebner*

**From:** [Lauren Moore](#)  
**To:** [Amy Heebner](#)  
**Subject:** FW: Mamakating Library -Non-Compliant Oath of Office  
**Date:** Monday, August 11, 2025 4:28:09 PM  
**Attachments:** [Oath Jennifer Holmes.pdf](#)  
[Oath Pamela Mann.pdf](#)  
[Oath Pamela Rice Woytowick.pdf](#)

---

**From:** john buying <[REDACTED]>  
**Sent:** Tuesday, June 17, 2025 8:08 PM  
**To:** statelibrarian <statelibrarian@nysed.gov>  
**Cc:** steingartr@nyassembly.gov  
**Subject:** Mamakating Library -Non-Compliant Oath of Office

**Please respond within thirty days.**

Greetings,

I am writing to report a concern regarding the status of several trustees currently serving on the Board of Trustees of the Mamakating Library in Sullivan County, New York (special district library).

According to New York Public Officers Law §10 and §30(1)(h), any public officer, including a library trustee, must complete an Oath of Office within 30 days of the start of their term. Failure to do so results in a vacancy by operation of law.

- Jennifer Holmes  
Elected: August 2022  
Term Start: September 2022  
The attached oath of office was completed April 2, 2024  
Five Hundred and Fifty One days late.
- Pamela Rice-Woytowick  
Elected: August 2023  
Term Started: September 2023  
The attached oath was completed November 3, 2023  
Thirty Five days late
- Pamela Mann  
Elected August 2021  
Term Started: September 2021  
The attached oath of office was completed October 5, 2021  
Five days late

I respectfully request your office direct the Mamakating Library to comply with Public

Officers Law and immediately declare these seats vacant, appoint replacements and review any action undertaken. I am available to provide additional information or documentation as needed.

Thank you for your attention to this important matter.

Sincerely,  
John Buying

[REDACTED]  
[REDACTED]  
[REDACTED]

#### Confidentiality Notice

This email including all attachments is confidential and intended solely for the use of the individual or entity to which it is addressed. This communication may contain information that is protected from disclosure under State and/or Federal law. Please notify the sender immediately if you have received this communication in error and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.



State of New York

County of Sullivan

Town of Mamakating

I, Jennifer Holmes

do solemnly swear that  
I will support the Constitution of the United States and the Constitution of the State of New York,  
and that I will faithfully discharge the duties of Mamakating Library Trustee.

according to the best of my ability.

(Signed)

Officer

Subscribed and sworn to before me this:

2nd day of April, 2024

(Signed)

Notary Public

Title

BRITTNEY AWEH  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01AW6362096  
Qualified in Ulster County  
My Commission Expires 07-24-2024

RECEIVED  
SULLIVAN COUNTY CLERK  
2024 JUN -6 PM 12:05

I HEREBY CERTIFY THAT  
THIS IS A TRUE COPY OF:  
oath of office.

6/6/24  
Mamakating Town Clerk





State of New York

County of Sullivan

Town of Mamakating

ss.

I, Pamela Mann

do solemnly swear that

I will support the Constitution of the United States and the Constitution of the State of New York,

and that I will faithfully discharge the duties of Library Trustee,

Mamakating Library

according to the best of my ability.

(Signed)

Officer

Subscribed and sworn to before me this

5 day of October 2021

(Signed)

JEAN M DOUGHERTY  
Notary Public - State of New York  
No. 01004984408  
Qualified in Sullivan County  
Commission Expires 7/22/2025

Title

RECEIVED  
TOWN OF MAMAKATING

OCT 05 2021

TOWN CLERK

COPY

OATH OF OFFICE

FORM NO. 69

STATE OF NEW YORK

COUNTY OF Sullivan

SS.

Town of MamakatingI, Pamela Rice-Waytovich

do solemnly swear that

I will support the Constitution of the United States and the Constitution of the State of New York,

and that I will faithfully discharge the duties of Mamakating LibraryBoard of Trustees

according to the best of my ability.

(Signed)

Officer

Subscribed and sworn to before me this

3<sup>rd</sup>

day of

November

19<sup>th</sup> 2023

(Signed)

Notary Public

Title

Exp 01.02.2027

KYRA L PLATT  
 Notary Public - State of New York  
 No. 01PL6386212  
 Qualified in Sullivan County

I HEREBY CERTIFY THAT  
 THIS IS A TRUE COPY OF:  
 Oath of Office

6/6/24

Mamakating Town Clerk

2024 JUN -5 PM 12:05

SULLIVAN COUNTY CLERK

**From:** Lauren Moore  
**To:** Amy Heebner  
**Subject:** Fw: Mamakating Library - Trustee Ineligibility Due to Absences  
**Date:** Monday, August 11, 2025 6:51:29 PM  
**Attachments:** [Minutes 08-August-2023.pdf](#)  
[Minutes 09-September-2023-Amended.pdf](#)  
[Minutes 10-October-2023.pdf](#)

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Get [Outlook for iOS](#)

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**From:** statelibrarian <statelibrarian@nysed.gov>  
**Sent:** Wednesday, June 18, 2025 10:17 AM  
**To:** Lauren Moore <Lauren.Moore@nysed.gov>  
**Subject:** FW: Mamakating Library - Trustee Ineligibility Due to Absences

*Athena T. Small*  
Administrative Assistant 1  
NYS Division of Library Development  
222 Madison Avenue - 10B31  
Albany, New York 12202  
(518) 486-2753

**From:** john buying <[REDACTED]>  
**Sent:** Tuesday, June 17, 2025 8:06 PM  
**To:** statelibrarian <statelibrarian@nysed.gov>  
**Cc:** steingartr@nyassembly.gov  
**Subject:** Mamakating Library - Trustee Ineligibility Due to Absences

**Please respond within thirty days.**

Greetings,

I was recently advised to use the email of [statelibrarian@nysed.gov](mailto:statelibrarian@nysed.gov) by Rachel Steingart, Office of Assembly Member Paula Elaine Kay to address this issue.

I am writing to bring to your attention a governance concern regarding the Board of Trustees at the Mamakating Library in Sullivan County, New York (special district library).

According to Education Law §226(4), a trustee who fails to attend three consecutive regular board meetings without an excuse accepted by the board is deemed to have

resigned by operation of law.

Trustee Pamela Mann was absent from three consecutive board meetings in:

August 2023, September 2023 and October 2023 each minutes are attached

A review of the published meeting minutes does not indicate that these absences were formally excused by board action. Pamela Mann continues to serve on the board, and no public action has been taken to declare the seat vacant or to appoint a replacement.

I respectfully request your office direct the Mamakating Library to comply with NYS Education Law §226(4) and declare this seat vacant, appoint a replacement and review any action undertaken. I am available to provide additional information or documentation as needed.

Thank you for your attention to this important matter.

Sincerely,

John Buying

[REDACTED]  
[REDACTED]  
[REDACTED]

#### Confidentiality Notice

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MLD Trustees Meeting – August 9, 2023 - 6:00 P.M.  
TENTATIVE AGENDA – SUBJECT TO ADDITIONS AND/OR CHANGE

Call to Order/Attendance

**Present:** Trustees Patti Andersen, John Buying, Jennifer Holmes, Mark Tourtellott and Director Cheryl Jones<sup>[L][SEP]</sup>

**Absent:** Pam Rice, Antoinette King, Pamela Mann<sup>[L][L][SEP][SEP]</sup>

Meeting called to order at 6:05pm

<sup>[L][SEP]</sup>Public Member: No members of the public

Adoption of agenda\*

as amended by Jennifer Holmes, seconded by Patti Andersen

Minutes – July approved Jennifer Holmes seconded by Patti Andersen, opposed by John Buying

Executive Session

begun at 6:25 by Jennifer Holmes. seconded by John Buying<sup>[L][SEP]</sup>

session ended at 6:46 by Jennifer Holmes. seconded by John Buying

Finance Report\* -

Motion to approve abstract of vouchers\* by Jennifer Holmes, seconded by Patti Andersen<sup>[L][L][SEP][SEP]</sup>

Director – Report – see attached

Old Business:

- Community Solar – proposal was not endorsed, the library will continue with current power provider.
  - Budget Overage - tabled
  - Committee/ OML - tabled
  - Election Update
- Final ballot approved by Jennifer Holmes, seconded by Patti Andersen

New Business:

- Board & Director Goals - tabled

Policy review/ revisions:

- Trustee Education - tabled

Privilege of the Floor - Public Comment- 3 minute limit per person

Adjournment

Meeting Adjourned by Jennifer Holmes, seconded by Mark Tourtellott at 7:45pm

**MAMAKATING LIBRARY**  
**BOARD OF TRUSTEES MEETING**

**September 13, 2023**

- 1. PRESENT:** Trustees Patricia Andersen, John Buying, Pamela Rice, Mark Tourtellott, and Director Cheryl Jones

**ABSENT:** Jennifer Holmes and Pamela Mann

The meeting was called to order at 6:05pm

**PUBLIC MEMBERS:** Rich Jones and Chelsea Roth

- 2. AGENDA:**

Motion to amend agenda to move By-Laws/Policy Committee from Old Business to New Business made by John Buying. No second, motion dies. Board discussion followed reminding trustees that item was discussed during August meeting, therefore topic falls under Old Business.

Motion to adopt agenda made by Pamela Rice, seconded by Mark Tourtellott. All in favor, motion carried.

- 3. EXECUTIVE SESSION:** Motion to move into Executive Session to discuss “employment of a particular person” made by Mark Tourtellott, seconded by Pamela Rice. All in favor, motion carried. Move into Executive Session at 6:14pm.

Motion to leave Executive Session made by Mark Tourtellott, seconded by Pamela Rice. All in favor, motion carried. Left Executive Session at 6:20pm.

Motion to approve carryover days for library employee made by Mark Tourtellott, seconded by Pamela Rice. All in favor, motion carried.

Motion to approve moving temporary library employee to permanent status made by Pamela Rice, seconded by Mark Tourtellott. All in favor, motion carried.

**4. MINUTES:**

Motion to amend July meeting minutes to replace “Add: John Buying” with “Appoint: John Buying” made by John Buying. No second, motion dies. Board discussion and explanation of standard meeting practices and standard language of minutes followed.

Motion to adopt July meeting minutes made by Pamela Rice, seconded by Patricia Andersen. “Nay” vote by John Buying. Minutes not approved. Tabled to October meeting.

Approval of August meeting minutes tabled to October meeting with full board present.

**5. FINANCE REPORT:** Motion to approve August vouchers made by Pamela Rice, seconded by Patricia Andersen. All in favor, motion carried.

**6. DIRECTORS REPORT:** Director Cheryl Jones’s comprehensive report was distributed. See attached.

Motion to approve Directors Report made by John Buying. No second, motion dies. Board reminded that Directors Report is not an actionable item and does not require Board approval.

**Items of Note:**

- Generator installed on September 13<sup>th</sup>.
- Sign garden replanted by children in kid’s gardening group in August
- Cheryl wrote an article for the Shawangunk Journal on book recommendations
- 169 children (0-11) and 38 teens (12-18) registered for the Summer Reading Program
- Wolf Lake Grant program has been completed. Once the children take their first reading tests in school we will submit the information and close out the grant
- Friends of the Library will be hosting the Manhattan Short Film Festival September 28<sup>th</sup> and 30<sup>th</sup>

**7. OLD BUSINESS**

**Community Solar:**

Non-action item. Board discussion, concluding Community Solar is not a viable option at this time.

**Budget Overage:**

Discussion tabled to October meeting with full board present.

**By-Law/ Policy Committee:**

Discussion to establish a By-Laws/Policy Committee tabled to October meeting. At the advice of RCLS, this committee will be established as a joint By-Laws and Policy Committee.

**8. NEW BUSINESS**

**Open Trustee Seat:** Motion to appoint Chelsea Roth as Library Trustee to fill seat vacated by Antoinette King made by Mark Tourtellott, seconded by Patricia Andersen. “Nay” vote by John Buying. Seat remains vacant.

Motion to adjourn meeting made by John Buying at 7:09pm. No second, motion dies. Motion did not relate to agenda topic being discussed. Board reminded to follow agenda.

**9. POLICY REVIEW/ REVISIONS**

**Trustee Education Policy:** Motion to adopt Trustee Education Policy made by Patricia Andersen, seconded by Mark Tourtellott. “Nay” vote by John Buying. Policy not passed, tabled to October board meeting.

Motion to nominate Jennifer Holmes as Treasurer made by John Buying. No second, motion dies. Motion did not relate to agenda topic being discussed. Board reminded to follow agenda.

**10. PRIVILEGE OF THE FLOOR**

Public Comment – 3 minute limit per person

Motion to adjourn made by Pamela Rice, seconded by Mark Tourtellott. All in favor, motion carried. Meeting adjourned at 7:18 pm.

Respectfully submitted,

Pamela Rice, Board Secretary



**MAMAKATING LIBRARY  
BOARD OF TRUSTEES MEETING**

**Held on Tuesday, October 10, 2023 at 6:00pm at 128 Sullivan Street, Wurtsboro NY and  
via Zoom.**

1.     **PRESENT:** Trustees Patricia Andersen, John Buying, Jennifer Holmes, Pamela Rice, Mark Tourtellott, and Director Cheryl Jones

**ABSENT:** Pamela Mann

          The meeting was called to order at 6:00pm

**MEMBERS OF THE PUBLIC:**

          In person: Rich Jones and Chelsea Roth

          Zoom attendees: Barbara Semonite and Maryallison Farley

2.     **AGENDA:**

          Motion to amend agenda to add Executive Session, and add Nominating Committee to New Business made by Pamela Rice, seconded by Jennifer Holmes. All in favor, motion carried.

3.     **EXECUTIVE SESSION:**

          Motion to enter Executive Session to discuss matter of board communication made by Patricia Andersen, seconded by Jennifer Holmes. All in favor, motion carried. Move into Executive Session at 6:06pm.

          Motion to leave Executive Session made by Pamela Rice, seconded by Jennifer Holmes. "Nay" vote by John Buying. Motion passed. Left Executive Session at 6:08.

4.     **MINUTES:**

          Motion to approve meeting minutes from July 2023 made by Jennifer Holmes, seconded by Mark Tourtellott.

          "Nay" vote by John Buying. Motion passed, July minutes approved.

Motion to approve meeting minutes from August 2023 made by Patricia Andersen, seconded by Pamela Rice. Discussion to amend August minutes to reflect topic of Executive Session discussion to read as “employment of a particular person”.

Motion to approve August 2023 minutes as amended made by Jennifer Holmes, seconded by Mark Tourtellot. All in favor, motion carried.

Motion to accept September meeting minutes made by Mark Tourtellot, seconded by Patricia Andersen. Discussion to amend September minutes to reflect topic of Executive Session discussion to read as “employment of a particular person”.

Motion to accept September minutes as amended made by Jennifer Holmes, seconded by Patricia Andersen. “Nay” vote by John Buying.

**5. FINANCE REPORT:**

Finance Report presented and distributed by Jennifer Holmes. See attached.

Motion to approve September vouchers made by Pamela Rice, seconded by Jennifer Holmes. All in favor, motion carried.

**6. DIRECTORS REPORT:** Director Cheryl Jones’s comprehensive report was distributed. See attached.

**Items of Note:**

- Generator is installed and propane is connected; air filters were changed
- 16 Adult Programs serving 167 patrons; 11 patrons received dedicated Tech Help time; 5 Children’s Programs service 68 patrons
- Library Card Registration info has been sent home to every child at Chase School. Thank you to Patti Andersen for facilitating this at the school.
- Video Conferencing & Recorded/ Zoom program set up complete. Thanks to the FOML for funding this and to Mark Tourtellott for helping to install the equipment and update a laptop to run more quickly
- The final presentation for the Sustainable Libraries Initiative has been submitted. We are waiting on feedback from our mentor and the SLI team. Completion is imminent!
- September Patron Count: 1,256

7. **OLD BUSINESS**

**Open Trustee Seat:**

Motion to appoint Chelsea Roth as Library Trustee to fill seat vacated by Antoinette King made by Pamela Rice, seconded by Patricia Andersen. All in favor, motion carried.

**Committee Appointments:**

Board will revisit Committee Appointments at November meeting with full board present. Tentative committee appointments as follows:

**Budget:** Ad Hoc, by season. Committee to be appointed in late winter

**Long Range Planning:** Patricia Andersen, John Buying and Cheryl Jones

**By-Law/Policy:** Patricia Andersen, Pamela Rice

**Building:** Ad Hoc, by season. Jennifer Holmes, Mark Tourtellott, Troy Hodas

8. **NEW BUSINESS**

**Treasurer:**

Motion to table Treasurer discussion made by Patricia Andersen, seconded by Mark Tourtellott. All in favor, motion carried.

**ILS:**

Motion to vote in favor of ILS change, with language as follows, made by Jennifer Holmes, seconded by Patricia Andersen. All in favor, motion carried.

Whereas Mamakating Library and Ramapo Catskill Library System ("RCLS") are party to an Agreement for Integrated Library System Participation (the "ILS Agreement") with a five-year term beginning January 1, 2023; and

Whereas The Directors' Association (DA) voted to change the current ILS vendor, SirsiDynix, to the new ILS vendor, ByWater Solutions, with the affirmative consent of a majority of member library directors; therefore

Be it resolved that the Library agrees with DA and votes in favor of switching Integrated Library System providers from SirsiDynix to ByWater Solutions.

**RCLS Budget:**

Motion to accept 2024 RCLS budget made by Jennifer Holmes, seconded by Mark Tourtellott. All in favor, motion carried.

**Nominating Committee:**

Board discussion followed by decision to accept nominations from the floor in lieu of formation of a Nominating Committee.

**9. POLICY REVIEW/ REVISIONS**

**Trustee Education Policy:** Motion to adopt Trustee Education Policy provided by director Cheryl Jones made by Pamela Rice, seconded by Jennifer Holmes. “Nay” vote by John Buying. Motion carried, policy approved.

**10. PRIVILEGE OF THE FLOOR**

Public Comment – 3 minute limit per person

Barbara Semonite thanked the board for the work they do.

Motion to adjourn made by Pamela Rice, seconded by Jennifer Holmes. All in favor, motion carried. Meeting adjourned at 7:02pm.

Respectfully submitted,

Pamela Rice, Board Secretary



**From:** [REDACTED]  
**To:** [Amy Heebner](#)  
**Subject:** Re: Mamakating Library -Non-Compliant Oath of Office  
**Date:** Monday, June 30, 2025 12:32:12 PM  
**Attachments:** [Legal letter file at the county 30 days signing applies.pdf](#)

---

Greetings Amy Heebner,

Would you please share with me what was addressed with RCLS?

I am aware of an issue with the Mamakating Library about the oaths filed with the town instead of the county and that have been rectified. The lawyer for RCLS found some case law that says it was done in good faith. However, the 30 days law of signing and filing still needed to be followed.

Please tell me how this could be satisfactory.

John Buying

---

**From:** Amy Heebner <Amy.Heebner@nysed.gov>  
**Sent:** Thursday, June 26, 2025 9:10 AM  
**To:** [REDACTED]  
**Subject:** RE: Mamakating Library -Non-Compliant Oath of Office

Mr. Buying,

I am the State Library's regional liaison to the Ramapo-Catskill Library System. We referred this matter to the library system and it has been addressed to our satisfaction.

Amy Heebner  
Library Development Specialist  
Division of Library Development  
New York State Library  
Cultural Education Center, 10B41  
Albany, NY 12230  
(518) 474-4883  
[Amy.Heebner@nysed.gov](mailto:Amy.Heebner@nysed.gov)

---

**From:** john buying <[REDACTED]>  
**Sent:** Tuesday, June 17, 2025 8:08 PM  
**To:** statelibrarian <[statelibrarian@nysed.gov](mailto:statelibrarian@nysed.gov)>

Cc: [steingartr@nyassembly.gov](mailto:steingartr@nyassembly.gov)

**Subject:** Mamakating Library -Non-Compliant Oath of Office

**Please respond within thirty days.**

Greetings,

I am writing to report a concern regarding the status of several trustees currently serving on the Board of Trustees of the Mamakating Library in Sullivan County, New York (special district library).

According to New York Public Officers Law §10 and §30(1)(h), any public officer, including a library trustee, must complete an Oath of Office within 30 days of the start of their term. Failure to do so results in a vacancy by operation of law.

- Jennifer Holmes  
Elected: August 2022  
Term Start: September 2022  
The attached oath of office was completed April 2, 2024  
Five Hundred and Fifty One days late.
- Pamela Rice-Woytowick  
Elected: August 2023  
Term Started: September 2023  
The attached oath was completed November 3, 2023  
Thirty Five days late
- Pamela Mann  
Elected August 2021  
Term Started: September 2021  
The attached oath of office was completed October 5, 2021  
Five days late

I respectfully request your office direct the Mamakating Library to comply with Public Officers Law and immediately declare these seats vacant, appoint replacements and review any action undertaken. I am available to provide additional information or documentation as needed.

Thank you for your attention to this important matter.

Sincerely,  
John Buying

[REDACTED]  
[REDACTED]  
[REDACTED]

### Confidentiality Notice

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# The Law Office of Stephanie Adams, PLLC

Stephanie A. Adams, Member  
Stuart B. Shapiro, Of Counsel

Kelly E. Coughlin, Of Counsel  
Samantha I.V. White, Of Counsel

Sallie G. Randolph, Of Counsel



TO: Ramapo Catskill Library System Executive Director

FROM: Stephanie A. Adams, Esq.

RE: Proper place for trustees of Mamakating Public Library to file oath of office

DATE: June 11, 2024

To the System:

You have asked for my legal opinion as to where the trustees of the Mamakating Public Library are required file the oath of office.

To answer this question, I have reviewed the enabling legislation of the library district (signed into law on 8/19/2003), as well as Public Officers Law Article 2, Section 10, relevant caselaw, and administrative opinions.

The answer is: **in the absence of legislation to the contrary**, state law requires that the oaths of a public library trustee be filed in the county where the person taking them resides. As the enabling legislation does not specify another place (although it does specify that the *budget* must be filed with the Town of Mamakating), **the proper place for the trustees to file their oaths is with the County.**

In the event this fact means some/all oaths were not timely filed as required by Public Officers Law Section 10, it is wise for each trustee to file a copy of their oath with the County within thirty (30) days. While this is not a remedy in the law, case law has addressed concerns akin to this, and the case of Entwistle v. Murtaugh (from 1966, but not yet overruled or superseded by another case) may be instructive, although it pertains to a town and not a public library.

In Entwistle, the NY Court of Appeal wrote:

*It was not, we think, the intention of the Legislature by the enactment and various amendments of the applicable statutes (Public Officers Law, §§ 10, 30; Town Law, § 25) to set a trap for the unwary by confusing the proper office in which the qualifying oath of office of a town officer should be filed.*

**If this were my client, I would advise that the trustees continue functioning as fiduciaries and if there is a concern about legitimacy, seek confirmation of appointment through the Education Department.**





Two questions naturally present themselves:

First: does this nullify past actions of the current board? Case law and advisory opinions confirm the answer is "no."

Second: what can the current board do to continue to operate? There is no clear case law or administrative guidance on this point, however, I can say that in the spirit of Entwistle, I believe the Library could consider re-filing the oaths with the County, and then consult with the State Education Department's Division of Library Development about any remaining concerns.

Going forward, a library in this position will want to confirm per the library's enabling legislation and Section 10 of the Public Officers Law, there is no requirement for all trustees to file annually; rather, elected trustees must file within thirty days of the start of their 4-year term, while appointed trustees must file within thirty days of the start of their term and can only serve until one month after the next election (when they are either elected to a successive new term, or replaced by another elected trustee).

A copy of the enabling legislation accompanies this memo.

Thank you for allowing my office to be of service in this matter. If I can assist with locating experienced counsel for the library, please let me know.

**From:** [Lauren Moore](#)  
**To:** [Amy Heebner](#)  
**Subject:** FW: Mamakating 2024 budget vote/election  
**Date:** Monday, August 11, 2025 4:28:07 PM  
**Attachments:** [Oath Andersen.pdf](#)  
[Oath Buying.pdf](#)  
[Oath Chelsea Roth.pdf](#)  
[Oath Jennifer Holmes.pdf](#)  
[Oath Pamela Mann.pdf](#)  
[Oath Pamela Rice Woytowick.pdf](#)  
[Oath Tourtellott.pdf](#)  
[Email from Andersen Regarding Oaths.pdf](#)

---

**From:** statelibrarian <statelibrarian@nysed.gov>  
**Sent:** Wednesday, July 9, 2025 9:59 AM  
**To:** Lauren Moore <Lauren.Moore@nysed.gov>  
**Subject:** FW: Mamakating 2024 budget vote/election

*Athena T. Small*  
Administrative Assistant 1  
NYS Division of Library Development  
222 Madison Avenue - 10B31  
Albany, New York 12202  
(518) 486-2753

**From:** John Buying Trustee - MAM <[jbuying.trustee@rcls.org](mailto:jbuying.trustee@rcls.org)>  
**Sent:** Tuesday, July 8, 2025 4:38 PM  
**To:** Grace Riario - RCLS <[Griario@rcls.org](mailto:Griario@rcls.org)>  
**Cc:** statelibrarian <[statelibrarian@nysed.gov](mailto:statelibrarian@nysed.gov)>  
**Subject:** Mamakating 2024 budget vote/election

Greetings,

If you are looking at the 2024 election you should know that I voted no to override the tax cap and the budget increase. I voted no on the ballot. I have also sent an email to NYS about the 2024 election/budget vote. Mamakating failed to send out close to 200 absentee ballots! That alone should be cause for a revote!

The board president knew there was a problem with the oaths and tried to cover it up with the Mamakating clerk and even had the Sullivan county clerk come to administer oaths.

You already know that Chelsea Roth was appointed but failed to complete the oath of office within thirty days. Roth was never reappointed Any action taken is voided.

Trustee Pamela Mann was absent from three consecutive board meetings in: August 2023, September 2023 and October 2023 making this seat vacant.

- Jennifer Holmes  
Elected: August 2022  
Term Start: September 2022  
The attached oath of office was completed April 2, 2024  
Five Hundred and Fifty One days late.
- Pamela Rice-Woytowick  
Elected: August 2023  
Term Started: September 2023  
The attached oath was completed November 3, 2023  
Thirty Five days late

I voted no for the 2024 budget. 2024 needs be voided and resubmitted to the community with the additional vacant seats.

Please view the attached.

Sincerely,  
John Buying

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# OFFICIAL BALLOT

## MAMAKATING LIBRARY

August 20th, 2024

### INSTRUCTIONS

1. Mark in pen.
2. To vote on a proposal, make a cross X mark or a check ☒ mark in one of the voting squares contained in the box setting forth such proposal.
3. To vote for a candidate whose name is printed in this ballot, make a cross X mark or a check ☒ mark in the voting square alongside the name of the candidate.

#### PROPOSITION I

The trustees of the Mamakating Library shall be authorized to increase the tax levy in the amount of \$18,300 in 2025.

☐ YES

☐ NO

#### ELECTION OF TRUSTEE

CANDIDATE FOR THE FOUR YEAR SEATS (Choose 2):

☐ PATRICIA ANDERSEN

☐ MARK TOURTELLOTT

☐ \_\_\_\_\_

#### ELECTION OF TRUSTEE

CANDIDATE TO FILL VACANT SEAT THRU 2025:

☐ \_\_\_\_\_



## Agenda and Meeting Documents

Patricia Andersen Trustee - MAM <pandersen.trustee@rcls.org>

Tue 4/2/2024 12:06 PM

To: Cheryl Jones - MAM <cjones@rcls.org>; Chelsea Roth Trustee - MAM <croth.trustee@rcls.org>; Pamela Rice-Woytowick Trustee - MAM <prwoytowick.trustee@rcls.org>; Pamela Mann Trustee - MAM <pmann.trustee.mam@rcls.org>; John Buying Trustee - MAM <jbuying.trustee@rcls.org>; Jennifer Holmes Trustee - MAM <jholmes.trustee@rcls.org>; Mark Tourtellott Trustee - MAM <mtourtellott.trustee@rcls.org>

📎 7 attachments (3 MB)

02 Minutes March 2024.pdf; 2024 Budget vs. Actuals - March=25.pdf; April2024.docx; NYLAF Resolution.pdf; Resolution Regarding ALA Library Bill of Rights DRAFT 3\_24.pdf; HostileWorkplaceMarch2024JB.docx; Democrat Article.png;

Good Afternoon All,

Attached please find the agenda and most of the documents for our upcoming meeting. Cheryl is on vacation this week and will send out the rest upon her return.

Cheryl has also sent the article from the Democrat about the Storywalk.

Reminder: All corrections or additions to the agenda or the minutes must be submitted prior to the meeting. These must be submitted to me by Monday, April 8th. No corrections or amendments to either the agenda or minutes will be entertained at the meeting.

FYI- John requested that I add "vacant BOT Seats" to the agenda. He is attempting to blindside us with some incorrect information. He took the time to FOIL each of our Oath of Office. Thanks to Cheryl and the help of the Town Clerk, all is in order. This will not be added to the agenda as there are no vacant seats on our Board.

He also requested that I add video conferencing to the agenda. He seems to think he has the authority to assign tasks to the committees. I explained to him that the Policy Committee is currently working on a project and will get to this when they can. I will not be adding this to the agenda either.

Thank you and see you next Tuesday,  
Patti

## OATH OF OFFICE

FORM NO. 69

WILLIAMSON LAW BOOK CO., ROCHESTER, N.Y. 14609

STATE OF NEW YORK

COUNTY OF Sullivan

Town of Mamakating

ss.

I, Patricia Andersen

, do Solemnly swear that

I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully discharge the duties of Trustee of the Mamakating Library Board.

according to the best of my ability.

(Signed)

OFFICER

Subscribed and sworn to before me this

21 day of October 2020

(Signed)

Towns Clerk

TITLE

JEAN M. DOUGHERTY  
Notary Public - State of New York  
No. 01DO4084403  
Qualified in Sullivan County  
Commission Expires 7/22/21 21

I HEREBY CERTIFY THAT  
THIS IS A TRUE COPY OF:  
Oath of Office.

Mamakating Town Clerk

6/6/24

2024 JUN -6 PM 12:05

RECEIVED  
SULLIVAN COUNTY CLERK



STATE OF NEW YORK

COUNTY OF Sullivan  
Town Mamakating ss.  
Village Wurtsboro

I, John Buving, do Solemnly swear  
I will support the Constitution of the United States and the Constitution  
the State of New York, and that I will faithfully discharge the duties of Mamakating  
Library Trustee

according to the best of my ability.

(Signed)



OF

Subscribed and sworn to before me this

6 day of September 19 2023  
(Signed) [Redacted] 2022 [Signature]

(Signed)

Town Clerk

TITLE

JEAN M. DOUGHERTY  
Notary Public - State of New York  
No. 01DO4084408  
Qualified in Sullivan County  
Commission Expires 7/22/25

I HEREBY CERTIFY THAT  
THIS IS A TRUE COPY OF:  
oath of office



6/6/24.

Mamakating Town Clerk

RECEIVED  
SULLIVAN COUNTY CLERK  
2024 JUN -6 PM 12:05

OATH OF OFFICE

FORM NO. 69

Williamson Law Book Co., Victor, NY 14564

State of New York

County of Sullivan

of

I, Chelsea Roth

do solemnly swear that

I will support the Constitution of the United States and the Constitution of the State of New York,

and that I will faithfully discharge the duties of Board Member,

Mamakating Public Library

according to the best of my ability.

(Signed)

Subscribed and sworn to before me this

3rd day of January 2024

(Signed)

Notary

Title



Only record on file  
for Chelsea Roth.  
5/14/24 9:45am.

Received a Mamakating  
Town Clerk office  
sometime after the  
notarization of 1/3/24.  
Exact date unknown.

COPY

Town Clerk



OATH OF OFFICE

FORM NO. 69

Williamson Law Book Co., Victor, NY 14564

State of New York

County of Sullivan

Town of Mamakating

I, Jennifer Holmes

do solemnly swear that  
I will support the Constitution of the United States and the Constitution of the State of New York,  
and that I will faithfully discharge the duties of Mamakating Library Trustee.

according to the best of my ability.

(Signed)

Officer

Subscribed and sworn to before me this:

2nd day of April 2024

(Signed)

Notary Public

Title

BRITTNEY AWEH  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01AW6362086  
Qualified in Ulster County  
My Commission Expires 07-24-2024

RECEIVED  
SULLIVAN COUNTY CLERK  
2024 JUN -6 PM 12:05

I HEREBY CERTIFY THAT  
THIS IS A TRUE COPY OF:  
oath of office.

6/6/24  
Mamakating Town Clerk



State of New York

County of Sullivan

Town of Mamakating

ss.

I, Pamela Mann

do solemnly swear that  
I will support the Constitution of the United States and the Constitution of the State of New York,  
and that I will faithfully discharge the duties of

Library Trustee,  
Mamakating Library

according to the best of my ability.

(Signed)

Officer

Subscribed and sworn to before me this

5 day of October 2021

(Signed)

JEAN M DOUGHERTY  
Notary Public - State of New York  
No. 01DO4984406  
Qualified in Sullivan County  
Commission Expires 7/22/2025

Title

RECEIVED  
TOWN OF MAMAKATING

OCT 05 2021

TOWN CLERK

COPY



OATH OF OFFICE

FORM NO. 69

STATE OF NEW YORK

COUNTY OF Sullivan

ss.

Town of Mamakating

I, Pamela Rice-Wright

, do solemnly swear that

I will support the Constitution of the United States and the Constitution of the State of New York,

and that I will faithfully discharge the duties of

Mamakating Library Board of Trustees

according to the best of my ability.

(Signed)

[Redacted Signature]

Officer

Subscribed and sworn to before me this

3rd

day of

November

19 2023

(Signed)

[Redacted Signature]

Notary Public

Title

Exp 01.22.2027

KYRA L PLATT  
Notary Public - State of New York  
No. 01PL6386212  
Qualified in Sullivan County

I HEREBY CERTIFY THAT  
THIS IS A TRUE COPY OF:  
oath of office

[Redacted Signature]

6/6/24

Mamakating Town Clerk

2024 JUN -5 PM 12:05

SULLIVAN COUNTY CLERK


STATE OF NEW YORK

COUNTY OF SullivanTOWN OF MAMAKATING

ss.

I, Mark Tourtellott, do Solemnly swear that  
I will support the Constitution of the United States and the Constitution of  
the State of New York, and that I will faithfully discharge the duties of  
Mamakating Library Trustee

according to the best of my ability.


(Signed) 

OFFICER

Subscribed and sworn to before me this

6

day of

November, 202019<sup>00</sup>(Signed) 

TITLE

JEAN M. DOUGHERTY  
Notary Public - State of New York  
No. 01DO4984406  
Qualified in Sullivan County  
Commission Expires 7/22/20 21

I HEREBY CERTIFY THAT  
THIS IS A TRUE COPY OF:  
oath of office.



6/6/24

Mamakating Town Clerk

2024 JUN -6 PM 12:05

SULLIVAN COUNTY CLERK



# **EXHIBIT B**

**MAMAKATING LIBRARY**  
**BOARD OF TRUSTEES MEETING**

**Held on Tuesday, March 12th, 2024 at 6:00pm at 128 Sullivan Street, Wurtsboro NY**

1. **PRESENT:** Trustees Patricia Andersen, John Buying, Jennifer Holmes, Pamela Mann, Pamela Rice, Chelsea Roth, Mark Tourtellott, and Director Cheryl Jones.

**ABSENT:** N/A

The meeting was called to order at 6:05pm

2. **ADOPTION OF AGENDA**

Motion made by John Buying to add “vacant seat of Board Trustee” to New Business. No second, motion dies.

Motion to adopt agenda as amended made by Mark Tourtellott, seconded by Jennifer Holmes. Nay vote by John Buying. Motion approved.

3. **FROM NEW BUSINESS – NYLAF – Michael Marino**

Presentation followed by board discussion. Resolution to invest to be added to April meeting.

4. **APPROVAL OF MINUTES- FEBRUARY 2024**

Motion to amend by adding how each member voted on items 2, 3, 4, 9, 10, 11 made by John Buying. No second, motion dies.

Motion to amend item #4 regarding replacing “staff position”: with “the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation”. No second, motion dies.

Motion to amend Item #4 to reflect “motion to leave executive session” made by John Buying. No second, motion dies.

Motion to amend Items 5, 6, 7 to remove “see attached” made by John Buying. No second, motion dies.

Motion to amend item 4 from “Juliana” to “Guliana” made by Patricia Andersen, seconded by Jennifer Holmes. All in favor, motion carries.

Motion to accept February minutes as amended made by Mark Tourtellott, seconded by Pamela Mann. Nay vote by John Buying. Motion passes.

**5. FINANCE REPORT**

Finance Report presented by Jennifer Holmes. See attached.

Motion to approved March vouchers made by Pamela Mann, seconded by Jennifer Holmes. All in favor, motion carried.

**6. DIRECTORS REPORT**

Director Cheryl Jones's comprehensive report was distributed. See attached.

**7. COMMITTEE REPORTS**

- Long Range Plan- see attached minutes

John Buying resigned from Long Range Plan committee

- Policy/ByLaws- next meeting March 21<sup>st</sup>, 6pm / see attached minutes
- Building and Grounds – no report
- Budget – no report

**8. OLD BUSINESS – N/A**

**9. NEW BUSINESS**

- NYLAF – beginning of meeting – no documents
- FOML MOU – documents in Board Portal

Motion to remove “defined” in second bullet point under “The Friends agree to” made by John Buying. No second, motion dies.

Motion to accept Memorandum of Understanding between Friends of Mamakating Library and Mamakating Library made by Chelsea Roth, seconded Jennifer Holmes. Nay vote by John Buying. Motion passes, MOA approved.

- NYS Deferred Compensation Plan – documents in Board Portal

Motion to accept the resolution of The State of New York Deferred Compensation Plan using the language provided by The State of New York Deferred Compensation Plan made by Pamela Mann, seconded by Jennifer Holmes. Nay vote by John Buying. Motion carries.

- Motion to approve addition to Staff Manual as written made by Jennifer Holmes, seconded by Mark Tourtellott. All in favor, motion carries.

- StoryWalk – documents in Board Portal

Director Cheryl Jones has presented the proposal to the Town of Mamakating, who have requested a MOU. Revisit during April meeting.

- Worksite Agreement for Workforce Development – documents in Board Portal

Motion to accept Sullivan County Center for Workforce Development “Worksite Agreement” made by Pamela Mann, seconded by Chelsea Roth. All in favor, motion carried.

- Board Self Evaluation – documents sent for January meeting

Motion to table Board Self Evaluation made by Jennifer Holmes, seconded by Mark Tourtellott. Abstention by John Buying. Motion passes.

- Budget Committee Appointments – no documents

Treasurer Jennifer Holmes, President Patricia Andersen and Director Cheryl Jones appointed to committee.

## **10. POLICY REVIEW/ REVISIONS**

- Emergency & Disaster Policy** - documents in board portal

Motion to adopt Emergency & Disaster Policy as amended made by Pamela Rice, seconded by Jennifer Holmes. Nay vote by John Buying. Motion passes.

## **11. PRIVILEGE OF THE FLOOR**

Public Comment – 3 minute limit per person. No comments.

Motion to adjourn made by Patricia Andersen, seconded by Jennifer Holmes. Meeting adjourned at 7:46 pm.

Respectfully submitted,

Pamela Rice, Board Secretary



# **EXHIBIT C**

**MAMAKATING LIBRARY**  
**BOARD OF TRUSTEES MEETING**

**Held on Tuesday, August 6<sup>th</sup>, 2024 at 6:00pm at 128 Sullivan Street, Wurtsboro NY**

1. **PRESENT:** Trustees Patricia Andersen, John Buying, Pamela Mann, Pamela Rice, Chelsea Roth, and Director Cheryl Jones

**EXCUSED ABSENCES:** Jennifer Holmes and Mark Tourtellott

The meeting was called to order at 6:05pm

2. **ADOPTION OF AGENDA**

Motion to adopt agenda as amended made by Chelsea Roth, seconded by Pamela Mann. Nay vote by John Buying, motion carried.

3. **APPROVAL OF MINUTES- JULY 2024**

Motion to accept July minutes as amended made by Chelsea Roth, seconded by Pamela Mann. Nay vote by John Buying. Motion carried.

4. **FINANCE REPORT**

Motion to approved August vouchers made by Pamela Mann, seconded by Pamela Rice. Nay vote by John Buying. Motion carried.

5. **DIRECTORS REPORT**

Director Cheryl Jones's comprehensive report was distributed. See attached.

**Items of Note:**

- Program Totals: 16 Adult Programs service 166 patrons; 26 Youth Programs serving 378 patrons
- Generator has run for 21.2 hours total as of 8/1/24

•Library Director and Board President appeared at Town Board Meeting this month to invite the community to participate in the upcoming Meet the Candidates and Budget Info Session program, give updates about library events, and provide information about the upcoming election.

**6. COMMITTEE REPORTS**

- Long Range Plan- no report
- Policy/ByLaws- no report
- Building and Grounds – no report
- Budget/Finance – no report

**7. OLD BUSINESS – Election Update**

- Election update shared by Barbara Semonite, Election Chairperson

**8. NEW BUSINESS**

**•Approve ballot**

Motion to list candidates in random order on election ballot made by John Buying. No second, motion died.

Motion to add more places to write in people's names made by John Buying. No second, motion died.

Motion to approved ballot as written made by Pam Mann, seconded by Chelsea Roth. Nay vote by John Buying, motion carried.

**•Election Updates**

Motion to approve Election Inspector pay for Linda Lothrup and Karen Tolcz in the amount of \$180 each made by Chelsea Roth, seconded by Pam Mann. Nay vote by John Buying. Motion carried.

**D&H Canal Bi-Centennial Time Capsule**

Janet Lybolt presented a proposal for a time capsule on behalf of the D&H Canal Bi-Centennial Committee. A plaque would be mounted on the west façade of the library with the time capsule buried at same location.

Motion to approve proposal for installation of plaque and time capsule made by Pamela Rice, seconded by Pam Mann. All in favor, motion carried.

**9. POLICY REVIEW/ REVISIONS**

N/A

**10. PRIVILEGE OF THE FLOOR**

Public Comment – 3 minute limit per person.

**11. ADJOURNMENT**

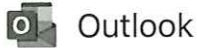
Motion to adjourn made by Pam Rice, seconded by Chelsea Roth. All in favor, motion carried.  
Meeting adjourned at 6:43 pm.

Respectfully submitted,

Pamela Rice, Board Secretary



# **EXHIBIT D**



Outlook

---

**RE: This week's meeting**

---

**From** Patricia Andersen Trustee - MAM <pandersen.trustee@rcls.org>

**Date** Mon 8/7/2023 1:23 PM

**To** Pamela Mann Trustee - MAM <pmann.trustee.mam@rcls.org>; Cheryl Jones - MAM <cjones@rcls.org>

Thanks, Pam, for letting us know. I hope all is well with you.

Patti

**From:** Pamela Mann Trustee - MAM <pmann.trustee.mam@rcls.org>

**Sent:** Monday, August 7, 2023 9:06 AM

**To:** Patricia Andersen Trustee - MAM <pandersen.trustee@rcls.org>; Cheryl Jones - MAM <cjones@rcls.org>

**Subject:** This week's meeting

I have to go out of town unexpectedly this week, so unfortunately I won't be able to attend the meeting on Wednesday. I'm so sorry for the inconvenience.

Thanks.

Pam

Get [Outlook for iOS](#)

# **EXHIBIT E**

## Schofield, Robert

---

**From:** Cheryl Jones - MAM <cjones@rcls.org>  
**Sent:** Thursday, August 31, 2023 1:16 PM  
**To:** Patricia Andersen Trustee - MAM  
**Subject:** Re: Fall Meeting schedule

Thanks. I send a press release about the next meeting date and printed new flyers for the upcoming dates and sent them to Jane to update the website. That should cover it.

### Cheryl Jones MILS

(She/Her)

Library Director

### Mamakating Library

PO Box 806 Wurtsboro, NY 12790

(P)845-888-8004



**Sustainable  
Libraries  
Initiative**

---

**From:** Patricia Andersen Trustee - MAM <pandersen.trustee@rcls.org>  
**Sent:** Thursday, August 31, 2023 12:53 PM  
**To:** Jennifer Holmes Trustee - MAM <jholmes.trustee@rcls.org>  
**Cc:** John Buying Trustee - MAM <jbuying.trustee@rcls.org>; Mark Tourtellott Trustee - MAM <mtourtellott.trustee@rcls.org>; Cheryl Jones - MAM <cjones@rcls.org>; Pamela Mann Trustee - MAM <pmann.trustee.mam@rcls.org>; Pamela Rice-Woytowick Trustee - MAM <prwoytowick.trustee@rcls.org>; Antoinette King Trustee - MAM <aking.trustee.mam@rcls.org>  
**Subject:** RE: Fall Meeting schedule

Good Morning,

It seems Tuesday will work best. We will move the meetings to the **second Tuesday beginning in October**, the meeting for **September will remain on the 13<sup>th</sup>**.

Thank you all for being supportive and considerate of your fellow board members.

See you soon,  
Patti

---

**From:** Jennifer Holmes Trustee - MAM <jholmes.trustee@rcls.org>  
**Sent:** Thursday, August 31, 2023 8:12 AM  
**To:** Patricia Andersen Trustee - MAM <pandersen.trustee@rcls.org>  
**Cc:** John Buying Trustee - MAM <jbuying.trustee@rcls.org>; Mark Tourtellott Trustee - MAM



<mtourtellott.trustee@rcls.org>; Cheryl Jones - MAM <cjones@rcls.org>; Pamela Mann Trustee - MAM <pmann.trustee.mam@rcls.org>; Pamela Rice-Woytowick Trustee - MAM <prwoytowick.trustee@rcls.org>; Antoinette King Trustee - MAM <aking.trustee.mam@rcls.org>

**Subject:** Re: Fall Meeting schedule

I can meet Tuesdays.

Jen

On Aug 30, 2023, at 7:36 PM, Patricia Andersen Trustee - MAM <[pandersen.trustee@rcls.org](mailto:pandersen.trustee@rcls.org)> wrote:

Good Evening John,

Please remember that being a trustee is a volunteer position. Teaching is Mark's profession and livelihood. We all try to be accommodating to the needs of our fellow trustees, as you may recall most of us still work and those schedules change beyond our control. Over the past few years, we have adjusted the schedule between Tuesday evenings and Wednesday evenings as needed. If switching to Tuesday is a problem for you, please just say so and be considerate and kind to the rest of the board.

Thank you,  
Patti

**From:** John Buying Trustee - MAM <[jbuying.trustee@rcls.org](mailto:jbuying.trustee@rcls.org)>

**Sent:** Wednesday, August 30, 2023 6:45 PM

**To:** Mark Tourtellott Trustee - MAM <[mtourtellott.trustee@rcls.org](mailto:mtourtellott.trustee@rcls.org)>

**Cc:** Patricia Andersen Trustee - MAM <[pandersen.trustee@rcls.org](mailto:pandersen.trustee@rcls.org)>; Jennifer Holmes Trustee - MAM <[jholmes.trustee@rcls.org](mailto:jholmes.trustee@rcls.org)>; Cheryl Jones - MAM <[cjones@rcls.org](mailto:cjones@rcls.org)>; Pamela Mann Trustee - MAM <[pmann.trustee.mam@rcls.org](mailto:pmann.trustee.mam@rcls.org)>; Pamela Rice-Woytowick Trustee - MAM <[prwoytowick.trustee@rcls.org](mailto:prwoytowick.trustee@rcls.org)>; Antoinette King Trustee - MAM <[aking.trustee.mam@rcls.org](mailto:aking.trustee.mam@rcls.org)>

**Subject:** Re: Fall Meeting schedule

Greetings Honorable Trustee Mark Tourtellott,

My calendar is set and along with the other trustees and has been in place since January. What did the college say when you told them you are a Trustee and not available the second Wednesday of every month?

Each one of us made a commitment to serve the Library. We all make plans and appointments around the Second Wednesday of the month. If you wish to enrich yourself by working for a college then it should not conflict with the promise you made to the community as trustee.

At the start of the year, we agreed to meet at 6PM on a weekday. I wish the meetings were held on a weekend starting at 2PM so I will not have to drive in darkness and I can pick up a few more hours for some part-time job. How do you think an email like that would be received?

Please work out any conflicts you have with the college and not the Library where you took an oath to support.

I hope to see you, along with the other board members, at our next regularly scheduled meeting Wednesday, September 13, 2023 at 6PM.

Buying

---

**From:** Pamela Mann Trustee - MAM <[pmann.trustee.mam@rcls.org](mailto:pmann.trustee.mam@rcls.org)>  
**Sent:** Wednesday, August 30, 2023 3:42 PM  
**To:** Patricia Andersen Trustee - MAM <[pandersen.trustee@rcls.org](mailto:pandersen.trustee@rcls.org)>; Pamela Rice-Woytowick Trustee - MAM <[prwoytowick.trustee@rcls.org](mailto:prwoytowick.trustee@rcls.org)>; Cheryl Jones - MAM <[cjones@rcls.org](mailto:cjones@rcls.org)>; Mark Tourtellott Trustee - MAM <[mtourtellott.trustee@rcls.org](mailto:mtourtellott.trustee@rcls.org)>  
**Cc:** Jennifer Holmes Trustee - MAM <[jholmes.trustee@rcls.org](mailto:jholmes.trustee@rcls.org)>; Antoinette King Trustee - MAM <[aking.trustee.mam@rcls.org](mailto:aking.trustee.mam@rcls.org)>; John Buying Trustee - MAM <[jbuying.trustee@rcls.org](mailto:jbuying.trustee@rcls.org)>  
**Subject:** Re: Fall Meeting schedule

Hi all, in general Tuesdays work for me but unfortunately I have commitments and won't be able to attend meetings in September and October. Thanks.

Pam

Get [Outlook for iOS](#)

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**From:** Patricia Andersen Trustee - MAM <[pandersen.trustee@rcls.org](mailto:pandersen.trustee@rcls.org)>  
**Sent:** Wednesday, August 30, 2023 3:25:45 PM  
**To:** Pamela Rice-Woytowick Trustee - MAM <[prwoytowick.trustee@rcls.org](mailto:prwoytowick.trustee@rcls.org)>; Cheryl Jones - MAM <[cjones@rcls.org](mailto:cjones@rcls.org)>; Mark Tourtellott Trustee - MAM <[mtourtellott.trustee@rcls.org](mailto:mtourtellott.trustee@rcls.org)>  
**Cc:** Jennifer Holmes Trustee - MAM <[jholmes.trustee@rcls.org](mailto:jholmes.trustee@rcls.org)>; Antoinette King Trustee - MAM <[aking.trustee.mam@rcls.org](mailto:aking.trustee.mam@rcls.org)>; John Buying Trustee - MAM <[jbuying.trustee@rcls.org](mailto:jbuying.trustee@rcls.org)>; Pamela Mann Trustee - MAM <[pmann.trustee.mam@rcls.org](mailto:pmann.trustee.mam@rcls.org)>  
**Subject:** RE: Fall Meeting schedule

Good Afternoon,

Tuesdays would work for me as well.

Patti

---

**From:** Pamela Rice-Woytowick Trustee - MAM <[prwoytowick.trustee@rcls.org](mailto:prwoytowick.trustee@rcls.org)>  
**Sent:** Wednesday, August 30, 2023 6:31 AM  
**To:** Cheryl Jones - MAM <[cjones@rcls.org](mailto:cjones@rcls.org)>; Mark Tourtellott Trustee - MAM <[mtourtellott.trustee@rcls.org](mailto:mtourtellott.trustee@rcls.org)>  
**Cc:** Patricia Andersen Trustee - MAM <[pandersen.trustee@rcls.org](mailto:pandersen.trustee@rcls.org)>; Jennifer Holmes Trustee - MAM <[jholmes.trustee@rcls.org](mailto:jholmes.trustee@rcls.org)>; Antoinette King Trustee - MAM <[aking.trustee.mam@rcls.org](mailto:aking.trustee.mam@rcls.org)>; John Buying Trustee - MAM <[jbuying.trustee@rcls.org](mailto:jbuying.trustee@rcls.org)>; Pamela Mann Trustee - MAM <[pmann.trustee.mam@rcls.org](mailto:pmann.trustee.mam@rcls.org)>  
**Subject:** Re: Fall Meeting schedule

Good morning,

If the board meeting is moved to the second Tuesday of the month from September-December, I would be able to attend 9/12, 10/10, 11/14 and 12/12. I have commitments every Monday, Thursday and Friday evenings this semester.

Best,

Pam

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**From:** Cheryl Jones - MAM <[cjones@rcls.org](mailto:cjones@rcls.org)>

**Sent:** Monday, August 28, 2023 9:26 AM

**To:** Mark Tourtellott Trustee - MAM <[mtourtellott.trustee@rcls.org](mailto:mtourtellott.trustee@rcls.org)>

**Cc:** Patricia Andersen Trustee - MAM <[pandersen.trustee@rcls.org](mailto:pandersen.trustee@rcls.org)>; Jennifer Holmes Trustee - MAM <[jholmes.trustee@rcls.org](mailto:jholmes.trustee@rcls.org)>; Antoinette King Trustee - MAM <[aking.trustee.mam@rcls.org](mailto:aking.trustee.mam@rcls.org)>; John Buying Trustee - MAM <[jbuying.trustee@rcls.org](mailto:jbuying.trustee@rcls.org)>; Pamela Mann Trustee - MAM <[pmann.trustee.mam@rcls.org](mailto:pmann.trustee.mam@rcls.org)>; Pamela Rice-Woytowick Trustee - MAM <[prwoytowick.trustee@rcls.org](mailto:prwoytowick.trustee@rcls.org)>

**Subject:** Re: Fall Meeting schedule

Tuesday works well for the library. Thursdays is a bigger programming night, so I'd rather Tuesday if that works for everyone.

**Cheryl Jones MILS**

(She/Her)

Library Director

**Mamakating Library**

PO Box 806 Wurtsboro, NY 12790

(P)845-888-8004



**Sustainable  
Libraries  
Initiative**

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**From:** Mark Tourtellott Trustee - MAM <[mtourtellott.trustee@rcls.org](mailto:mtourtellott.trustee@rcls.org)>

**Sent:** Sunday, August 27, 2023 9:48 PM

**Cc:** Cheryl Jones - MAM <[cjones@rcls.org](mailto:cjones@rcls.org)>; Patricia Andersen Trustee - MAM <[pandersen.trustee@rcls.org](mailto:pandersen.trustee@rcls.org)>; Jennifer Holmes Trustee - MAM <[jholmes.trustee@rcls.org](mailto:jholmes.trustee@rcls.org)>; Antoinette King Trustee - MAM <[aking.trustee.mam@rcls.org](mailto:aking.trustee.mam@rcls.org)>; John Buying Trustee - MAM <[jbuying.trustee@rcls.org](mailto:jbuying.trustee@rcls.org)>; Pamela Mann Trustee - MAM <[pmann.trustee.mam@rcls.org](mailto:pmann.trustee.mam@rcls.org)>; Pamela Rice-Woytowick Trustee - MAM <[prwoytowick.trustee@rcls.org](mailto:prwoytowick.trustee@rcls.org)>

**Subject:** Fall Meeting schedule

Hey everyone,

I have my confirmed schedule for the fall, and I have a class from 6:00pm-8:00pm Mondays and Wednesdays. Would it be possible to move our regular board meetings from Wednesdays? This would be for August, September, November and December. I am available any other day than Mon/Wed.

Thank you!

-Mark

**Mark Tourtellott**

*Pronouns: he, him, his*

*mobile | 845.551.8806*

[mtourtellott.trustee@rcls.org](mailto:mtourtellott.trustee@rcls.org)

Trustee for the **Mamakating Library**

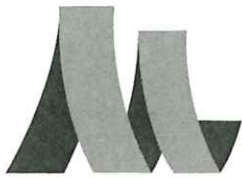
128 Sullivan Street

PO Box 806

Wurtsboro, NY 12790



# **EXHIBIT F**



# MAMAKATING

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## LIBRARY

Ms. Lauren Moore, State Librarian

I have been asked to provide the following documentation regarding an issue that was discovered with our previous method of keeping Board of Trustee Oaths, prior to 2024. I have included a full timeline of the process we took to remedy this issue below. A separate PDF with all of the referenced documentation will also be included with my email.

- Board of Trustee Oaths were filed with Town of Mamakating through 2023
- A question regarding where the proper filing location should be was brought to our attention in 2024 and a legal opinion was sought to understand where our oaths should be filed correctly.
- In this process, it was discovered that some of the oaths had not been taken timely, and one was dated in the wrong year (prior to the trustee's election).
  - John Buying, was elected in August 2022 and the oath was dated September 2023, then later altered after an email request was made by the trustee to the town clerk.
  - Oaths filed late:
    - Chelsea Roth, Appointed October 2023, Oath 1/3/24
    - Jennifer Holmes, Elected 2018 filed oath timely, but did not realize the oath needed updating upon re-election in 2022.
    - Patricia Andersen, elected August 2020, oath filed October 21, 2020
    - Pamela Rice-Woytowick, elected August 2023, oath filed timely but unable to be located by town. Refiled November 2023.
    - Mark Tourtellott, Elected August 2020, Took Office Sept. 2025, Oath Filed November 6, 2020
  - Oaths Filed Timely, but to town instead of county
    - Pamela Mann, elected August 2021, took office Sept. 8<sup>th</sup>, 2021, Oath Filed October 5<sup>th</sup>, 2021
- We followed the legal advice to have each board member refile their oaths within 30 days of the opinion, June 11<sup>th</sup> 2024.
  - Minutes of July 9<sup>th</sup>, 2024 County Clerk, Russell Reeves swore in each board member and took new oaths.
  - New oaths filed with the county on July 9<sup>th</sup>, 2024
- August 2024
  - Chelsea Roth, Mark Tourtellott, and Patricia Andersen were elected to board and completed their oaths timely.
- Full Board of Trustee Terms & Information

Please feel free to reach out if you have any further questions.

Cheryl Jones,  
Director  
Mamakating Library

# **EXHIBIT G**

Mamakating Library

If you believe that you have been subjected to discrimination or harassment, including but not limited to sexual harassment, you are encouraged to complete this form and submit it to the Library Director in person or by email. If the described actions involve the Library Director, submit the completed form to the Personnel Committee. You will not be retaliated against for filing a complaint. (If the described actions involve a Trustee, submit the completed form to the President of the Board of Trustees.)

If you are more comfortable reporting verbally or in another manner, the Library Director will complete this form, provide you with a copy, and follow the Library's Anti-Discrimination/Anti-Harassment Policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](https://ny.gov/programs/combating-sexual-harassment-workplace)

COMPLAINANT INFORMATION

Name: Cheryl Jones

Job Title: Director

Email: [cjones@rcds.org](mailto:cjones@rcds.org)

Select Preferred Communication Method: ☐ Email ☐ Phone ☐ In person  
any

COMPLAINT INFORMATION

1. Your complaint of Discrimination and/or Harassment is made about:

Name: John Buying

Title: Trustee

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

Trustee was unhappy w/ the board decisions on a number of items & attempted to intimidate by speeding & squealing tires out of parking lot after the meeting. attempted intimidation is causing undue stress on director.

3. Date(s) discrimination or harassment occurred:

June 14th 2023

Is the discrimination or harassment continuing? ☐ Yes ☒ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

Pam Rice - Trustee

Pam Mann - Trustee

Patti Andersen - Trustee



*The last question is optional but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

*I request that the Mamakating Library investigate this complaint of discrimination and/or harassment in a timely and confidential manner as outlined above and advise me of the results of the investigation.*

Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'C. J. W.' or similar, written over a horizontal line.

Date: \_\_\_\_\_

06/15/2023

## Mamakating Library

If you believe that you have been subjected to discrimination or harassment, including but not limited to sexual harassment, you are encouraged to complete this form and submit it to the Library Director in person or by email. If the described actions involve the Library Director, submit the completed form to the Personnel Committee. You will not be retaliated against for filing a complaint. (If the described actions involve a Trustee, submit the completed form to the President of the Board of Trustees.)

If you are more comfortable reporting verbally or in another manner, the Library Director will complete this form, provide you with a copy, and follow the Library's Anti-Discrimination/Anti Harassment Policy by investigating the claims as outlined at the end of this form.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](https://ny.gov/programs/combating-sexual-harassment-workplace)**

### **COMPLAINANT INFORMATION**

Name: Patricia Andersen

Job Title: Email: [pandersen.trustee@rcls.org](mailto:pandersen.trustee@rcls.org)

Select Preferred Communication Method: Email Phone In person

### **COMPLAINT INFORMATION**

1. Your complaint of Discrimination and/or Harassment is made about:

Name: Title: John Buying - Trustee

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

We were setting up for the Founder's Day street fair in Wurtsboro when John approached me about getting his folder for the upcoming board meeting. I explained to him that folders were not prepared until the day of the meeting. I also reminded him that he received all documents needed for the meeting by email. He accused me of not sending the documents and could not find them in his email. He started shouting at me and pointing at me telling me that would be my fault that he was unprepared for the meeting. He made me go to a computer to prove that I had emailed the meeting documents. When

I reminded him that the documents were also available on the Trustee Portal, he claimed to never have seen the portal. I told him that Cheryl had shown us the portal at a meeting and helped him to get into the portal another day. He again repeated he never saw the portal and Cheryl never helped him with anything. I told him I knew he had been in the portal because it shows who signed in and when. That is when he lost control and started shouting that I was using library resources to spy on him. I told him he was paranoid, he continued to shout that I was spying. I walked away from him at this point.

During the whole exchange John was using very intimidating behavior, pointing, shouting, and hovering over me. This exchange left me feeling harassed and shaking.

When John does not get his way, he intimidates and harasses until the other person gives in or fights back.

3. Date(s) discrimination or harassment occurred: July 8, 2023

Is the discrimination or harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

Cheryl Jones

24

*The last question is optional but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? No

If you have retained legal counsel and would like us to work with them, please provide their contact information.

*I request that the Mamakating Library investigate this complaint of discrimination and/or harassment in a timely and confidential manner as outlined above and advise me of the results of the investigation.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## Mamakating Library

If you believe that you have been subjected to discrimination or harassment, including but not limited to sexual harassment, you are encouraged to complete this form and submit it to the Library Director in person or by email. If the described actions involve the Library Director, submit the completed form to the Personnel Committee. You will not be retaliated against for filing a complaint. (If the described actions involve a Trustee, submit the completed form to the President of the Board of Trustees.)

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For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)

### COMPLAINANT INFORMATION

Name: Cheryl Jones

Job Title: Director

Email: [mam@rcs.org](mailto:mam@rcs.org)

Select Preferred Communication Method: ☐ Email ☐ Phone ☐ In person

any

### COMPLAINT INFORMATION

1. Your complaint of Discrimination and/or Harassment is made about:

Name: John Buying

Title: Trustee

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

This report is on behalf of a staff member who was confronted by Mr Buying on July 21st and aggressively told to show him where to find info & berated about lack of that info

3. Date(s) discrimination or harassment occurred:

on library website for which she is not responsible. Staff was shaking & visibly upset when reporting the interaction but wants to remain anonymous

Is the discrimination or harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

*The last question is optional but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

Form filed for seperate harassment incident  
in June

If you have retained legal counsel and would like us to work with them, please provide their contact information.

*I request that the Mamakating Library investigate this complaint of discrimination and/or harassment in a timely and confidential manner as outlined above and advise me of the results of the investigation.*

Signature: \_\_\_\_\_

*C Jones*

Date: \_\_\_\_\_

*7/21/2023*

Sustainability Committee

Cheryl Jones - MAM <cjones@rcls.org>

Fri 7/21/2023 2:00 PM

To: John Buying Trustee - MAM <jbuying.trustee@rcls.org>; Patricia Andersen Trustee - MAM <pandersen.trustee@rcls.org>; Pamela Rice-Woytowick Trustee - MAM <prwoytowick.trustee@rcls.org>

Hi John,

[REDACTED] our library clerk, said she spoke to you while I was doing a program this afternoon and you wondered where the information about the sustainability committee meeting was on the website. The sustainability committee is not like the board of trustees where it is a public meeting. We invite people to be a part of committees based on their expertise in the area that committee addresses. The site page that you were on has info about the committee and asks interested parties to contact me for further information. If someone did, I would chat with them about their interest and what they could bring to the committee and invite them to our next meeting from there.

[REDACTED] expressed a level of discomfort and intimidation from your interaction with her about this. I understand that you were frustrated to not find the meeting time and date on that site, but please remember that she does not maintain the website and I would appreciate it if none of that frustration is directed at staff members in the future. If you would like to discuss any other specific issues with our website, please contact myself & Patti and we can add that to an upcoming agenda if necessary.

I sent you an email earlier this week with the link for our Sustainability committee zoom meeting on August 2<sup>nd</sup> at 6pm and an outline of the items we will be discussing. That outline will not make much sense until you speak with Pam about the site interface that we use to submit the items. She also sent you an email outlining the committee work and when she can meet with you to go over those things. I am out of the office for the remainder of today, but feel free to respond with any questions and I will get back to you when I am back in the office on Monday. Have a nice weekend.

**Cheryl Jones MILS**

(She/Her)

Library Director

**Mamakating Library**

PO Box 806 Wurtsboro, NY 12790

(P)845-888-8004



**Sustainable  
Libraries  
Initiative**

RE: Sustainability Committee



Patricia Andersen Trustee - MAM  
To: Cheryl Jones - MAM; John Buving Trustee - MAM  
Cc: Pamela Rice-Woytowick Trustee - MAM

☺ | ↩ Reply | ↶ Reply All | → Forward | ⋮  
Wed 7/26/2023 4:42 PM

Thank you, Cheryl, for clarifying our open meeting policy and the definition of "public body".

I, however, would like to further address the treatment of Patricia. John, it is completely inappropriate for you to intimidate or otherwise mistreat any member of our staff. Board members have no supervisory powers over the employees, this requires you to refrain from requesting library staff (other than Cheryl) address your concerns that deal with board issues. As far as the staff is concerned you are no different than any other patron and will be treated with the same courtesy. I would also expect you to treat them with kindness and respect.

I would strongly suggest that you, in some fashion, either in writing or in person, apologize to Patricia for your serious misstep. You also might consider apologizing to Cheryl for overstepping her purview.

We are extremely fortunate to have the staff that we do and must treat them with respect and gratitude for the job that they do.

Patricia L. Andersen  
President  
Maniakating Library Board



## Mamakating Library

If you believe that you have been subjected to discrimination or harassment, including but not limited to sexual harassment, you are encouraged to complete this form and submit it to the Library Director in person or by email. If the described actions involve the Library Director, submit the completed form to the Personnel Committee. You will not be retaliated against for filing a complaint. (If the described actions involve a Trustee, submit the completed form to the President of the Board of Trustees.)

If you are more comfortable reporting verbally or in another manner, the Library Director will complete this form, provide you with a copy, and follow the Library's Anti-Discrimination/Anti-Harassment Policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)

### COMPLAINANT INFORMATION

Name: Cheryl Jones

Job Title: Library Director

Email: [cjones@rcds.org](mailto:cjones@rcds.org)

Select Preferred Communication Method:

☐ Email ☐ Phone ☐ In person

any

### COMPLAINT INFORMATION

1. Your complaint of Discrimination and/or Harassment is made about:

Name: John Buving

Title: Library Trustee

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

Repeated email, text contact resulting in many hours of lost work time & intimidation tactics during in-person contact. attempted

3. Date(s) discrimination or harassment occurred:

emails - 8/3/23

in-person 8/7/23

Is the discrimination or harassment continuing? ☐ Yes ☒ Not currently

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

All board members saw emails (were cc'd)  
Donna Drake & Iwona Redzinski (staff)  
witnessed in person interactions.

*The last question is optional but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

*Submitted complaint regarding attempts  
to intimidate director / board members  
June 2023.*

If you have retained legal counsel and would like us to work with them, please provide their contact information.

*I request that the Mamakating Library investigate this complaint of discrimination and/or harassment in a timely and confidential manner as outlined above and advise me of the results of the investigation.*

Signature:

*Chyl Jones*

Date:

*8/9/2023*

## Mamakating Library

If you believe that you have been subjected to discrimination or harassment, including but not limited to sexual harassment, you are encouraged to complete this form and submit it to the Library Director in person or by email. If the described actions involve the Library Director, submit the completed form to the Personnel Committee. You will not be retaliated against for filing a complaint. (If the described actions involve a Trustee, submit the completed form to the President of the Board of Trustees.)

If you are more comfortable reporting verbally or in another manner, the Library Director will complete this form, provide you with a copy, and follow the Library's Anti-Discrimination/Anti Harassment Policy by investigating the claims as outlined at the end of this form.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-](https://ny.gov/programs/combating-sexual-harassment-workplace)**

### **workplace COMPLAINANT INFORMATION**

Name: Patricia Andersen

Job Title: Email: [pandersen.trustee@rcls.org](mailto:pandersen.trustee@rcls.org)

Select Preferred Communication Method: Email Phone In person

### **COMPLAINT INFORMATION**

1. Your complaint of Discrimination and/or Harassment is made about:

Name: Title: John Buying - Trustee

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

A few days before our meeting John Buying emailed Cheryl Jones and myself a list of items to add to our meeting agenda. Cheryl responded to his email explaining each of the items and how they are not actionable items and do not belong on the agenda. He also claimed that our website contained malware and sent screenshots of the error message he received. Cheryl checked with the people that maintain our website, she explained that the error was not on our website it was an error from the browser he was using. She directed him to people who would be able to further explain the problem.



He also insisted that we add review of the personnel manual to the agenda. Cheryl explained that we could not possibly review the whole manual at a meeting. She reminded him of the process of submitting a policy for review.

At the meeting John continued to insist that all these items be added to the agenda. He was argumentative and attempted to use intimidation to get his demands met. He refused to approve the agenda without his items being added. Without his vote we would not have a quorum and the meeting could not continue. I reminded him that we could not approve the voucher needed to pay the library bills. He threatened to leave the meeting until I reminded him that if he left the meeting it would be an unexcused absence and qualify as neglect of duty. I reminded him several times throughout the exchange that his intimidation tactics qualified as harassment.

After he agreed to stay, he insisted that we add an executive session to the agenda. We asked for what reason. He pointed at Cheryl and then pointed out the door ordering her to leave. I reminded him that his behavior was inappropriate and again harassment and this behavior would not be tolerated.

He continued to be argumentative, attempting to intimidate and disrupt the progress of the meeting.

3. Date(s) discrimination or harassment occurred: August 9, 2023

Is the discrimination or harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

Jennifer Holmes and Mark Tourtellotte



*The last question is optional but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

Yes, John also attempted to intimidate me and accused me of spying on him at the Wurtsboro Day Street Fair on July 8, 2023

If you have retained legal counsel and would like us to work with them, please provide their contact information.

*I request that the Mamakating Library investigate this complaint of discrimination and/or harassment in a timely and confidential manner as outlined above and advise me of the results of the investigation.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Mamakating Library

If you believe that you have been subjected to discrimination or harassment, including but not limited to sexual harassment, you are encouraged to complete this form and submit it to the Library Director in person or by email. If the described actions involve the Library Director, submit the completed form to the Personnel Committee. You will not be retaliated against for filing a complaint. (If the described actions involve a Trustee, submit the completed form to the President of the Board of Trustees.)

If you are more comfortable reporting verbally or in another manner, the Library Director will complete this form, provide you with a copy, and follow the Library's Anti-Discrimination/Anti-Harassment Policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)

### COMPLAINANT INFORMATION

Name: Cheryl Jones

Job Title: Library Director Email: [cjones@rcis.org](mailto:cjones@rcis.org)

Select Preferred Communication Method: ☐ Email ☐ Phone ☐ In person  
either

### COMPLAINT INFORMATION

1. Your complaint of Discrimination and/or Harassment is made about:

Name: John Buying Title: Trustee

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

Attempts to intimidate me during Board meeting including demeaning hand gestures and disrespectful language. Video is available of meeting.

3. Date(s) discrimination or harassment occurred:

8/9/2023

Is the discrimination or harassment continuing? ☒ Yes ☐ No

From earlier dates and he was told to stop during meeting

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

Mark Tartellott (Board member)  
Jen Holmes (Board member)

*The last question is optional but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

complaints have been filed in June 2023  
July 2023 and now August 2023 to  
Board President, P. Andersen.

If you have retained legal counsel and would like us to work with them, please provide their contact information.

*I request that the Mamakating Library investigate this complaint of discrimination and/or harassment in a timely and confidential manner as outlined above and advise me of the results of the investigation.*

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

8/11/2023

# **EXHIBIT H**



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**From:** Oneill, Kristin (DOS) <[Kristin.ONeill@dos.ny.gov](mailto:Kristin.ONeill@dos.ny.gov)>  
**Sent:** Thursday, December 12, 2024 10:48:46 AM  
**To:** Cheryl Jones - MAM <[cjones@rcls.org](mailto:cjones@rcls.org)>  
**Cc:** Patricia Andersen Trustee - MAM <[pandersen.trustee@rcls.org](mailto:pandersen.trustee@rcls.org)>  
**Subject:** RE: OML & FOIL Questions

Hi Cheryl,

For your reference, attached is a copy of the email chain between Mr. Buying and our office from earlier this week.

The only time a public body is required to post a recording of its meeting on its website is when it is taking advantage of the "extraordinary circumstances" videoconferencing provisions of Section 103-a of the Open Meetings Law. So, if one of your members is videoconferencing from a private location, the meeting would need to be recorded and posted on your website within five business days and remain there for a minimum of five years thereafter (OML 103-a(2)(g)).

When a public body or any member thereof records the meeting voluntarily (that is, its not a required by statute), you do not need to post on your website. You just need to make sure that the recording is maintained in accordance with the LGS-1 records retention and disposition scheduled and that if a Freedom of Information Law request is made for it, a copy must be provided. I think it would be best practice to require the member to make a copy available to you so that you can ensure that it is retained for the appropriate length of time.

As to your second question, from a FOIL perspective, I don't see what legal action could be asserted against you. You issued a determination, making redactions as you believed to be appropriate. As you note, however, you were not required to make those redactions and if, for some reason a record was disclosed without redaction, that disclosure is not prohibited under FOIL. Does that help?

Happy Holidays!

Kristin

**Kristin O'Neill**

Deputy Director and Counsel

Pronouns: she/her/hers

**New York State Committee on Open Government**

One Commerce Plaza, Albany, NY 12231

(518) 474-2518

[Committee on Open Government | Open Government \(ny.gov\)](#)

**From:** Cheryl Jones - MAM <cjones@rcls.org>  
**Sent:** Thursday, December 12, 2024 9:33 AM  
**To:** O'Neill, Kristin (DOS) <Kristin.ONeill@dos.ny.gov>  
**Cc:** Patricia Andersen Trustee - MAM <pandersen.trustee@rcls.org>  
**Subject:** OML & FOIL Questions

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Hi Kristin,

We got our new FOIL Policy in place last month, thank you so much for your help with that. I truly appreciate it.

Two more questions have since arisen from the board member we spoke about.

1. In the past we've been told that if the library or board members record a meeting it must be made available publicly on our website, captioned, and transcripts provided. Since we do not have the capacity to do this, we have elected never to record our meetings, but the public is allowed to do so if they wish. There is a board member who wishes to record them on his personal phone now. Would the library then have to make this record available via our website with all of the requisite transcripts and is that personal recording FOILable. If so, does the library need to maintain this record or is it the responsibility of the board member?

The second question is in regards to a past FOIL request. A redacted version of election petitions was made available to this person a few months ago. They again requested them and were emailed the same redacted files. Somehow the person in question has a copy of the unredacted files and claims I sent them unredacted. I have the email as a record that they were not sent unredacted, however, they have threatened legal action as two files from two separate FOIL requests do not match (one redacted and one not). The document in question was not required to be redacted, we chose to redact unnecessary identifying information. I am not really sure what the question in here is, but I am hoping you might offer some advice in this circumstance.

**Cheryl Jones MILS**

(She/Her)

Library Director

**Mamakating Library**

PO Box 806 Wurtsboro, NY 12790

(P)845-888-8004



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SULLIVAN

-----X

In the Matter of the Application of  
JOHN BUYING,

Petitioner,

**DECISION & ORDER**

Index No. 2025-1546

For a Judgment Pursuant to  
Article 78 of the Civil Practice Law and Rules

-against-

MAMAKATING LIBRARY,

Respondent.

-----X

Appearances: John Buying  
*Petitioner Pro Se*  
64 Witte Drive  
Middletown, NY 10940

Robert Schofield, Esq.  
Joseph Zeitler, Esq.  
White, Osterman & Hanna LLP  
*Attorneys for Respondent*  
1 Commerce Plaza  
Albany, NY 12260

Papers Considered:<sup>1</sup> Verified Petition, filed August 7, 2025, with exhibits  
Verified Answer, filed August 29, 2025  
Affidavit of Patricia Andersen, filed August 29, 2025, with exhibits  
Memorandum of Law in Opposition, filed August 29, 2025  
Sullivan County Board of Elections FOIL Response, August 28, 2025, with attachments

Galligan, J.

By petition filed August 7, 2025, pursuant to Article 78 of the Civil Practice Law and Rules, upon which this court issued an Order to Show Cause on August 14, 2025, petitioner moves for various relief relating to respondent, a public library established pursuant to an August 18, 2003, act of the New York State Legislature. 2003 NYAN 8139 (Aug. 19, 2003). The court heard extensive oral argument on August 29, 2025.<sup>2</sup> The court makes the following determinations upon each item of relief sought by the petition:

Invalidation of the August 2025 Mamakating Library Budget Vote and Trustee Election

Petitioner alleges that respondent failed to automatically provide absentee ballots to all voters in the Library District who have requested automatic absentee ballots in connection with elections administered by the Sullivan County Board of Elections. Petitioner has submitted evidence of those voters within the Library District who have requested the same. However, petitioner has failed to demonstrate by proof in admissible form that any voter who requested an absentee ballot did not receive one,<sup>3</sup> or that respondent is bound by the

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<sup>1</sup> The court declines to consider any post-oral argument submissions of the parties.

<sup>2</sup> Petitioner was afforded opportunity to request recess or adjournment upon receipt of respondent's answering papers and declined.

<sup>3</sup> Petitioner averred at oral argument that a family member who is entitled to automatic absentee ballots did not receive such a ballot; however, no affidavit of such person or other non-hearsay proof of that proposition has been adduced. Petitioner has not submitted any direct evidence that any person who requested an absentee ballot from respondent did not receive such a ballot.

absentee ballot requests applicable to elections otherwise administered by the Sullivan County Board of Elections.

Respondent is required to conduct an annual election “at a time to be set by the board, at which election vacancies on the board of trustees shall be filled and at which any proposed budget which the board shall determine to submit to the voters ... shall be submitted to the voters.” 2003 NYAN 8139, § 2. Respondent, by the Andersen affidavit, demonstrates that a procedure for requests of absentee ballots exists, whereupon such ballots will be issued upon request of a Library District voter for good cause shown.

The enabling statute does not require the Board of Trustees to comply with any provision of the New York State Election Law providing for permanently disabled persons to receive absentee ballots for each election after an application for such designation is made. *See, e.g.*, NY Election Law § 8-400(4).<sup>4</sup>

Because petitioner cites no requirement at law that respondent administer its elections in accordance with the Election Law, or any other requirement at law compelling respondent to offer automatic or other absentee ballots, petitioner’s challenge to the August 2025 election on this ground fails.<sup>5</sup>

In connection with the 2025 election, petitioner further avers that respondent failed to adequately respond to his request for petitions filed by candidates for open Trustee positions. Petitioner submits respondent’s response to his request, which are heavily redacted petitions from which one cannot discern the last name or address of any purported voter in the District who signed in support of the candidacy of Pamela Mann or Chelsea Roth. Respondent does not contest that the petitions provided to petitioner were so redacted.

While respondent argued by its papers that its redactions of the nominating petitions was reasonable, it subsequently provided petitioner with unredacted copies of the same petitions after administration of the election.

Petitioner concedes that his request for the nominating petitions was not submitted pursuant to New York State’s Freedom of Information Law, codified at New York Public Officers Law §§ 84-90; accordingly, petitioner did not take appeal of respondent’s determination, such that the matter is not properly before this court in connection with those provisions of the Public Officers Law. Moreover, petitioner has not demonstrated the existence of any legally cognizable injury<sup>6</sup> incurred by him as a result of the redactions, as he has not demonstrated that he would have standing to challenge the inclusion of the candidates on the ballot.<sup>7</sup>

While the petition was pending, respondent conducted the August 2025 election and consented to delay certification of the results thereof pending determination by this court. At oral argument, petition represented that he was unable to observe the counting of the ballots. Respondent concedes that petitioner left the polling place after having been directed outside the room during the tallying of votes; however, respondent further notes, by the Andersen affidavit, that public viewing through a glass window is available outside the room

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<sup>4</sup> It is noted that absentee ballots transmitted pursuant to the Election Law require the government to incur the costs of mailing and return postage. NY Election Law § 8-400(2)(e).

<sup>5</sup> Because petitioner has failed to demonstrate that any voter would have voted but for the lack of an absentee ballot procedure offered, the court makes no determination as to whether respondent’s administration of the Library District election failed to provide adequate accommodations to persons with disabilities.

<sup>6</sup> Petitioner has not demonstrated standing or basis upon which the petitions could or would have been challenged.

<sup>7</sup> Notwithstanding this determination, the court does observe that the redactions applied by respondent frustrated the very purpose of the request and were not reasonable; nonetheless, the error was remedied by the subsequent provision of unredacted petitions.



within which the counting was conducted. Further, respondent avers that petitioner has cited no statute requiring public viewing of the ballot tally, noting that the statute establishing the Library District does not require the Board of Trustees to permit public viewing of the ballot count.

While petitioner may have been unaware that he could have remained in the building and viewed the opening and tallying of ballots, that option did exist. Although the better practice may be to provide some public notice that viewing of the procedure was available at the location provided by the Board of Trustees, petitioner has not alleged respondent's requirement at law to provide public viewing space for the ballot opening and tallying,<sup>8</sup> and, in any event, respondent has established that a procedure existed for public viewing.

Accordingly, there is insufficient evidence that respondent violated the law in connection with its conduct of the August 2025 Budget Vote and Trustee Election.

#### Direction of Respondent to Comply with Open Meetings Law and Public Officers Law

Petitioner moves for an order directing respondent to comply with the Public Officers Law with respect to the recording of minutes, including votes, in the future.<sup>9</sup> Petitioner submits minutes demonstrating that, after reflecting what Trustees were present, thereafter recorded the names of Trustees whose votes were in opposition to any particular motion. Petitioner supplemented this argument at oral argument, alleging that the manner of recording minutes was confusing and unclear to members of the public, in violation of the Public Officers Law. Petitioner further alleged at oral argument that no recording of a Trustee's late arrival or early departure is made in the minutes, but failed to allege the irregularity of any specific vote that could have been affected by such a late arrival or early departure.

Respondent argues that the minutes are appropriately recorded, because they do indicate whether a particular motion passed or failed, who voted in opposition to the motion, and the names of all Trustees present at the time a motion is voted upon. Respondent concedes that the court may determine that better practice would be to record the names of each Trustee who votes in favor of a particular motion and each who opposes such motion; however, such a determination does not compel a finding that the manner of recording the minutes employed by the Board of Trustees is without rational basis. “‘When a determination is supported by a rational basis, it must be sustained even if the reviewing court would have reached a different result’ (*Matter of CDE Elec., Inc. v Rivera*, 124 AD3d 1178, 1180 [3d Dept 2015] [citation omitted]).” *Matter of Spence v State Univ. of NY*, 195 AD3d 1270, 1271 [3d Dept 2021]; *see also, C.K. v Tahoe*, 211 AD3d 1, 11 [3d Dept 2022].

Here, the minutes submitted accurately reflect the actions of the Board of Trustees. The minutes are not confusing to the public, because it is readily apparent therefrom that all members who did not vote against a motion voted in favor of such motion. The court does find that a better practice would be to record the name of each member voting in favor of each motion and the name of each member voting against each motion; nonetheless, because the minutes do clearly reflect the actions of the Board of Trustees, the manner of recording employed by respondent is not without rational basis.

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<sup>8</sup> The parties do not raise, and therefore the court does not reach, the question of whether the ballot opening and tallying constitutes a meeting for the purpose of Article 7 of the Public Officers Law.

<sup>9</sup> To the extent petitioner brings this argument pursuant to Article 78 of the Civil Practice Law and Rules, citing recorded minutes from March and August of 2024, it is untimely. *See* NY CPLR § 217(1).

For these reasons, declaratory judgment is inappropriate as respondent is already in compliance with its obligation to record accurate minutes.

Declaring the Seats of Trustees Mann, Holmes and Rice-Woyotowick Vacant and Appointing Replacements

Petitioner moves the court to declare the seats held by certain Trustees of respondent vacant because those Trustees failed to properly and timely file oaths of office. Additionally, petitioner argues that Trustee Mann's seat is vacant by operation of law as a result of her unexcused absence from three consecutive board meetings.

Respondent concedes that it became aware that the oaths of certain of its members were improperly filed with the Town of Mamakating Town Clerk; they should have been filed with the Sullivan County Clerk. Thereafter, the oaths were properly filed with the Sullivan County Clerk in July of 2024. Petitioner does not dispute that the oaths are now properly filed.

"Mandamus is an extraordinary remedy that, by definition, is available only in limited circumstances. The remedy of mandamus will lie only to compel the performance of a ministerial act, and only where there exists a clear legal right to the relief sought. The remedy of mandamus does not lie to compel an act which involves an exercise of judgment or discretion [internal quotations and citations omitted]." *Matter of O'Sullivan v. New York City Dept. of Bldgs.* 226 AD3d 686, 687 [2d Dept. 2024]; *See also Matter of Hussain v. Lynch*, 215 AD3d 121 [3d Dept 2023].

"[A]cts performed by a public officer who has not taken and filed an official oath are as valid and effective as if the oath had been taken and filed (*see* Public Officers Law § 15; *Matter of Giacone v Jackson*, 267 AD2d 673 [3d Dept 1999], *lv denied* 94 NY2d 762 [2000])." *Matter of Gilmartin v Tax Appeals Trib.*, 31 AD3d 1008, 1010 [3d Dept 2006]. Therefore, all official acts of the Trustees at issue heretofore are "as valid and effective as if the oath had been taken and filed." *Matter of Gilmartin, id.*, 31 AD3d at 1010.

While in some cases "it has been held that upon the filing of an oath, it shall be considered filed nunc pro tunc as of the date of appointment (*People v Williams*, 139 AD2d 138, 143 [3d Dept 1988], *revd on other grounds* 73 NY2d 84 [1989])" (*People v Rossney*, 178 AD2d 765, 766 [3d Dept 1991]), here, the failure to timely file oaths created vacancies in these offices. NY Public Officers Law § 30(1)(h).<sup>10</sup>

Therefore, there exist vacancies upon respondent Board of Trustees as a matter of law<sup>11</sup> with respect to all those Trustees whose oaths were improperly filed and subsequently re-filed with the County Clerk in July of 2024 and who have not subsequently been elected to new terms of office. The remaining Trustees are free to fill these vacancies at their next public meeting with appointees of their choosing, who will thereupon again be required to file timely oaths for the remainder of those terms of office.

Accordingly, the question of whether Trustee Mann's seat should be declared vacant as a result of her failure to attend three consecutive meetings of respondent Board of Trustees is academic, although it is noted that the "chairman or other presiding officer" is the person authorized to grant such excusals and did so herein. While better practice may have been to note such excusal within the minutes of the meetings at which the Trustee at

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<sup>10</sup> A specific statutory exemption may render the failure to file an oath merely ministerial or otherwise curable by late filing (*see, e.g.*, NY County Law § 402, excepting a sheriff, county clerk or district attorney); however, there is no such statutory exception applicable to the Trustees herein.

<sup>11</sup> While the court declines to reach to the issue of unclean hands, it is noted that petitioner himself conceded, at oral argument, that he, too, failed to properly file his oath and, thereafter, filed an oath with the County Clerk after the expiration of thirty days from the date of the commencement of his term of office. NY Public Officers Law § 30(1)(h); *see also*, Andersen Affidavit, Ex. A, p. 27.

issue was not present, petitioner cites no legal authority requiring the same and respondent has established that the absences were excused.

#### 2024 Mamakating Library Budget Vote and Trustee Election

Petitioner is barred from raising objections to the 2024 election, as far more than four months have elapsed since the results thereof were certified. *See* NY CPLR § 217(1).

#### Fees

Petitioner has cited no authority or affidavit of costs in connection with his application for fees, costs and disbursements. Respondent has acted in good faith and with rational basis in connection with the acts of which petitioner now complains. Likewise, respondent's request for fees, costs and disbursements is denied, as petitioner's claims are not found to be frivolous for the reasons set forth herein.

Accordingly, for all of the reasons set forth herein, it is hereby

**ORDERED** that the seats of all members of the Mamakating Library Board of Trustees who are now serving terms that included the initial filing of oaths with the Town of Mamakating Town Clerk rather than with the Sullivan County Clerk and who thereafter belatedly filed oaths with the Sullivan County Clerk in July of 2024 are deemed vacant, and all remaining members of the Board of Trustees are free to make appointments for the remainder of such terms at the next public meeting thereof, and such appointees must comply with the oath requirements of Section 30(1)(h) of the Public Officers Law thereafter; and it is further

**ORDERED** that respondent may certify the results of its 2025 Budget Vote and Trustee Election, and any items impounded upon the temporary consent of the parties may be released; and it is further

**ORDERED** that, in all other respects, the petition is dismissed.

The foregoing constitutes the Decision and Order of the Court. The signing of this Decision and Order shall not constitute entry or filing under CPLR § 2220. Counsel is not relieved from the applicable provisions of that rule regarding notice of entry.

Dated: September 15, 2025  
Monticello, NY

ENTER:

  
\_\_\_\_\_  
Hon. Meagan K. Galligan, JSC

Pursuant to CPLR § 5513, an appeal as of right must be taken within thirty (30) days after service by a party upon the appellant of a copy of the judgment or order appealed from and written notice of its entry, except that when appellant has served a copy of the judgment or order and written notice of its entry, the appeal must be taken within thirty (30) days thereof.

## MEMORANDUM

To: Board of Trustees  
Mamakating Library

From: Robert Schofield

Re: Term Start Date and Validity of Trustee Service

Date: October 5, 2025

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You have asked us to opine on two issues that arose as a result of the recent delay in certification of the results of the library's 2025 Trustee Election. The first question is what date should be used for the start of term for the two candidates elected during the August 19, 2025 election? The second question is whether the votes cast by Trustees Pamela Mann and Chelsea Roth at the September 9, 2025 Board of Trustees meeting should be invalidated because of the expiration of their term on August 31, 2025?

By way of background, as a result of the Article 78 proceeding commenced against the Library by Trustee John Buying on August 7, 2025, the Library agreed to pause the certification of the Library Budget Vote and Trustee election which occurred on August 19, 2025. When the Petition was dismissed by Judge Galligan on September 15, 2025, the election results were certified on September 17<sup>th</sup>, and the two candidates who were elected – Pamela Mann and Chelsea Roth – were sworn in by the Sullivan County Clerk on September 18<sup>th</sup>. The Oaths were subsequently filed in the office of the Sullivan County Clerk.

With respect to the first question, the Trustees elected at the August 19<sup>th</sup> election would have ordinarily filled a term commencing on September 1, 2025.<sup>1</sup> As noted above, however, the election results were not certified in time for the successful candidates to have been sworn in for their new terms due to the pause in certification of the election results. In light of the certification of the election results on September 18, 2025, it was not possible for the candidates to begin their terms until that date at the earliest. Thus, it is my belief that the date of the election's certification should serve as the first day of the terms of the Trustees who were elected at the August 19, 2025 election.

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<sup>1</sup> Under the Library's authorizing legislation, "trustees shall be elected at the annual election ... to serve four year terms . . . , such terms to commence on the first day of the month next following the election." L. 2003, Ch. 392, §3.



Turning to the second question, Trustee Buying has objected to the service of Trustees Mann and Roth at the September 9, 2025 Board of Trustees meeting, and has asserted that their votes at that meeting were unlawful because their terms “ended” on August 31, 2025 and they had not yet been sworn in for their new terms as of September 9<sup>th</sup>. Because Trustees Mann and Roth were legally holding over in their seats, their service and votes at the September 9<sup>th</sup> meeting were valid and legal.

N.Y. Public Officers Law §5 applies to this situation. It provides:

Holding over after expiration of term. Every officer . . . having duly entered on the duties of his office, shall, unless the office shall terminate or be abolished, hold over and continue to discharge the duties of his office, after the expiration of the term for which he shall have been chosen, until his successor shall be chosen and qualified; but after the expiration of such term, the office shall be deemed vacant for the purpose of choosing his successor . . . . Pub. Off. Law §5.

Courts have interpreted section 5 as applying when, as here, an election is postponed, delayed, or incapable of completion. In such cases, Courts have applied section 5 and validated votes taken by public officers who have stayed in their seats until their successors have been elected. Here, Mann and Roth ran in the August 19<sup>th</sup> election. Although they were the two highest vote getters in that election, the results of that election were not certified by the date of the September 9<sup>th</sup> meeting, and they were not able to be sworn in to their new terms. In the absence of newly sworn trustees, they “held over” in their prior terms until the election results were certified.

In short, Pub. Off. Law § 5 is intended to apply to this very scenario, allowing Trustees Mann and Roth to remain in their seats and, therefore, continue to validly vote on matters before the Board until their successors (in this case, themselves) took office.