

the Building Inspector (Exhibit 11²) and Orange and Rockland Utilities, Inc. (“ORU”) respectively that he had a deed to the land, an easement through it and an aerial easement through the property. An attorney for ORU, Walter Hedeman, wrote an email on January 22, 2020 that ORU was not putting poles on 20-2-6 and would not trespass on same after they were contacted about these violations. (Exhibit 12)

4. The third and fourth sentences in the Tonneson Affidavit point 5 are false. I was aware of the land purchase.

5. The Tonneson Affidavit point 6 is false. David did not proceed to obtain the appropriate building permits and approvals: he applied for and was granted a drill permit on July 12, 2019 before the title had passed to him on July 26, 2020. The other approvals are in litigation.

6. I disagree with the characterization in the Tonneson affidavit point 9, in which David Tonneson describes himself as always respecting his neighbors. On information and belief, over half a dozen of Tonneson’s current and former neighbors have complained to him about abuse of their property rights, abuse of trees, failure to secure proper permits and noise. I have these complaints, too. The Tonneson Affidavit point 10 mischaracterizes phone conversations that occurred.

7. The Tonneson Affidavit point 11 is false. I do note that the false claim that I said “I will destroy you with my legal knowledge” (I never said anything remotely of the sort) is similar to Debbie Tonneson’s April 12th email to the police chief, the Town Board and the Zoning Board in which she said: “I advise the officials of the Town Of The Highlands to

² At the same time that David was waving a deed in front of Officer Hill (See again Exhibit 10), Exhibit 11 shows he was blaming our mutual neighbor, Jack McCarthy exclusively for the incursion onto 20-2-6 while simultaneously falsely claiming the right to enter that property and cut trees on it to the Building Inspector.

disregard her... Flaunting her legal knowledge.” (Exhibit 14) This is the Tonnesons’ perception of me; it does not emanate from anything I ever said, wrote or claimed. I have been litigating against them as a non-attorney pro se, which, on information and belief, is unusual. After I filed an Article 78 against them, David Tonneson called up my mother at her residence in Florida to put pressure on her to put pressure on me to drop the case. I also believe based on conversation with their former neighbor and others that he is used to getting other people to back off their complaints about his alleged illegal activities, and that no one had ever taken them to court before I did.

8. With regard to the Tonneson Affidavit point 13, David Tonneson regularly had more than one worker on site. He was only permitted to have one under the Governor’s orders as his home did not qualify as essential construction pursuant to the Empire State Development Corporation Guidance for Determining Whether a Business Enterprise is Subject to a Workforce Reduction Under Recent Executive Orders (202.6) (“ESD Guidance on 202.6) then in force. (Exhibit 8). See also: <https://web.archive.org/web/20200410183703/https://esd.ny.gov/guidance-executive-order-2026>. A single family house did not count as essential construction, but could have one worker on site: See section 9 of ESD Guidance on 202.6:

construction work that is being completed by a single worker who is the sole employee/worker on the job site.

David’s claim that he did not have work crews (plural) is disingenuous. He had more than one worker on site, so whether he considers that to just be one crew (singular) is of no moment; he could only have one person on site. I tried to photograph them approximately 4 times, and would have attempted more, but the noise was often so severe, I was forced out of my house immediately and would have to leave the neighborhood:

9. David's claim that I have made numerous false claims to the Building Inspector is conclusory and self-serving. The failure to find fault by the Building Inspector does not mean my complaints were false; as stated in affidavit point 5, Tonneson applied for and was issued a drill permit before title had passed to him. This illegal permit was issued by the Building Inspector. I assert this speaks to the Building Inspector's credibility. It should also be noted, that the Article 78's I have under appeal assert that the Building Inspector acted outside his jurisdiction, in violation of lawful procedure, in abuse of discretion and arbitrarily and capriciously in regard to the other permits he issued to the Tonnesons.

10. With regard to Affidavit point 15, David Tonneson does not say the State Troopers entered the structure. Indeed as they told me, they had not. They also told me at one point that they were not sure what the Governor's order allowed, and in another conversation that they did not want to enforce the Governor's order, that they wanted the local police to do it. That does not mean that multiple workers were either not then present on the site or not present at the time I called the police. I only called the police when I observed multiple workers on site. The local police explicitly told me that they would not enter the structure under construction to check to see if there were multiple people working in there even though I pointed out multiple vehicles on site and that I saw multiple people enter the building under construction.

11. The Tonneson Affidavit point 18 is a self-serving claim. Within possible sight of the subject property, my car has only been parked on Forest Hill Road outside my property. Forest Hill Road is not adjacent to the subject parcel, which is neither on Forest Hill Road nor accessible from it. This claim, while nominally true on a couple of occasions, when I was documenting the Tonnesons' illegal activities on my relatives' property as well as the illegal activities on 11-1-1.52 is irrelevant to his opinions about the legality of my conduct and was

made in response to my submitting pictures to this Court on May 6th in support of my claim that he was violating the Governor's order. David's claim should be contrasted with the fact that on information and belief either he or someone at his direction posted no trespassing signs on my property (parcel 20-2-5) and the Canterbury Forest lot (parcel 20-2-6), for which he is being sued for trespassing, cutting trees and removing them from the property. See again Exhibit 15.

Apparently, David will himself trespass or cause another to trespass in an effort to convince authorities that my being *on my own or my family's property* is illegal and evidence of a crime. David's claim should also be seen in light of the one he made in the Tonneson affidavit points 25 and 26. All drone photography of the subject parcel was conducted by experts who stated they were in compliance with FAA rules. The drone flights were the only way for me to prove my case about the extreme erosion control and stormwater violations that I assert the Tonnesons committed. On information and belief, no pictures were taken by these experts of David Tonneson's family members. The pictures were taken of the subject property. None of the pictures I have seen that were taken by experts I hired have any people in them. I do not have a telephoto lens or a professional camera. I used a simple hand held camera to take pictures of violations from my property and from my relatives' property (the Canterbury Forest 20-2-6 lot).

12. The Tonnesons asked the chief of police to have me arrested for aerial photography. The police report indicates that an Assistant District Attorney, Tanja Beemer, informed the police I had broken no law. It follows that the Orange County District Attorney's office believes that David Tonneson's claim that he felt harassed by these flights have no legal basis. (Exhibit 9) I also suspect he did not know these flights had occurred until he saw the pictures in court papers. I believe that the Tonnesons were trying to interfere with my rights to prove my case against them. Most recently, Debbie wrote an email to the chief of police, the

Town Board and the Town Zoning Board on April 12th 2019 asking on behalf of “the Tonneson’s” for me to be “charged under the law”. She never says what law that is, and nobody charged me with anything or contacted me about her demand. (See again: Exhibit 14)

13. On May 18, 2020, Debbie also demanded that the Town not waive fees, in order to stop my ZBA appeal from being heard (Exhibit 13). I never asked for a fee to be waived; I asserted that the Town is charging me fees illegally and that I have already grossly overpaid for an appeal³. Subsequent to Debbie’s email, the Town of Highlands Comptroller wrote an email on June 25th, 2020 claiming that she understood that the ZBA would not decide my appeal until I paid more money. My ZBA attorney wrote to the Town’s ZBA attorney that the failure to decide my appeal would be a clear violation of Town Law 267-a(8)⁴. This is yet another example of the Tonnesons’ demanding the authorities violate my rights and in such a way as to interfere with the prosecution of my case against them. The Town of Highlands already violated my rights by acquiescing to David’s demand that they pass an illegal noise ordinance, permitting heavy construction at night in a residential zone (that has resulted in an illegal taking of my property) and proposed doing so again in response to Debbie’s demand that fees be used to try to prevent my appeal from being heard⁵.

14. I assert that in David and Debbie’ Tonneson’s mind, calling out their legal violations and/or my engaging in legal actions to prove said violations is “harassment”. With regard to the Tonneson Affidavit point 26. I have not libeled or defamed David or anybody else.

³ I’ve paid over \$2,000 and the total amount demanded is over \$5,000.

⁴ My ZBA attorney also wrote to the Town ZBA attorney that he articulated that the fees charged were contrary to the Town’s own written code. I had also written to the Town earlier that parts of their local code are illegal in violation of the holding of *Jewish Reconstructionist Synagogue of North Shore, Inc. v Incorporated Village of Roslyn Harbor*, 40 N.Y.S.2d 158, 352 N.E.2d 115 (Court of Appeals: 1976). My memo was written to the town on 4/11/20.

⁵ I did get a phone call on Monday that the Town decided to decide the appeal in late August as they are legally required to do pursuant to Town Law 267-a(8) regardless of the fee dispute.

Just as he throws around the word “harassment”, he confuses my free speech rights and calling out his misdeeds as “libel” or “defamation”. Likewise, Debbie wrote an email to my uncle claiming I was “unethical” for telling ORU the Tonnesons had no legal right to go across 20-2-5 and string electric wires across it. (Exhibit 6) I believe she does not understand the meaning of this or many other legal words. I also find it unfathomable how she called me unethical to a third party, let alone a blood relative, for protecting their property rights against the Tonnesons’ misrepresentations to the utility, the police and the Building Inspector or how she thought that that would result in acquiescence to or tacit permission for her continuing to violate their rights. She and her family are being sued for the incursions on 20-2-5. Again, it is another example of where my or relatives’ rights have been stepped on; if one does not acquiesce to the Tonnesons’ abuse of one’s property rights, one is “unethical” “harassing” or “libeling or defaming” them. Conversely, David and Debbie have actually libeled me in communications to Town Board members making false statements about me that I could disprove with phone subpoenas.

15. In Tonneson affidavit point 24, in service of his false claims that I was needlessly calling the police, David Tonneson claims I put him at risk for Covid-19. I assert that if he were truly concerned about that, he would have been wearing a mask, not standing next to his co-worker on the deck and not violating the Governor’s order by having multiple people on site. With regard to the photograph I took on April 11th 2019, (Exhibit 1), David is claiming that what appears to be a larger, balding man standing to his right is his wife Debbie. (David, who is on the left, is also balding.) I believe I have only seen Debbie once, at the October 14, 2019 local noise hearing. She is petite with long blonde hair. Her Facebook page has a picture of her and David showing the same: <https://www.facebook.com/debbie.tonneson>; <https://www.facebook.com/photo.php?fbid=10217140354403463> (Exhibit 2).

16. In the affidavit I had put before the Appellate Division on May 6th to which this affidavit responds I had stated that the camera was not set on military time, and hence was off by half a day and did not have the Daylight Savings button activated. The time stamp says 3:25 so the extra hour for daylight savings which meant it was 16:25 (4:25 p.m.) This is somewhat consistent with David Tonneson's statement in his affidavit point 19 that the photo I took was taken at April 11th "around 4 p.m.". Two months later the Tonnesons invited Zoning Board members to their property after the leaves came out on the trees. They claimed they could not see my house. Not only can I see the Tonneson house (even with the leaves on the trees), David Tonneson admits to seeing me come out of my house onto my deck. His admission rebuts any claim that there is not direct line of site between the two structures.

17. However, the Tonneson Affidavit point 19 is a misrepresentation in other respects. I have had no verbal contact with David or Debbie since September 2019 when he called to harass me over the phone after the police shut him down for stringing up lights and working at night at my request. I then told him to not call me again. Debbie called me a few minutes later, and I told her to abide by the request I had just made to her husband. I asked the police to tell both of them to only communicate with me in writing. Both misrepresented their actions to the police; the police report insinuates that I called them that evening when it was they who each called me. A subpoena of phone records would back up my claims. Contrary to their wholesale representations, I merely walked out onto my deck, quietly snapped a photo and then went back into my house. What is notable, is rather than go directly to the site (11-1-1.52) when I called, which although close to the edge of my property, required driving several miles (I estimate between 4 and 5) to get to a road that could access 11-1-1.52, the police spent 20

minutes in my driveway asking me to repeat things I had already told them on the phone, before making the long drive to the site.

18. Other photographs show multiple vehicles parked in front of the subject property. (Exhibit 3)⁶. On those days I saw multiple people enter the structure. In all of these instances the police told me they would not enter the structure under construction. It appeared to me that as soon as David was aware that I was aware he was violating the Governor's order, he would usher any additional worker indoors. The fact that multiple construction vehicles were often but not always on site, belies the claims that there were not multiple workers on the site.

19. The claim in the Tonneson Affidavit point 30, that he does not currently perform lawn mowing and leaf blowing is a misrepresentation. *He* may not be doing it, but two police reports confirm that it was being done. The name of the person doing it was redacted on both occasions. (Exhibit 4). I did not call the police about leafblowers after that because they explained it was not considered "construction" noise, but considered routine homeowner noise, and there were then no restrictions in the local code on when such noise could be made. This is part and parcel of my contention that I have been subjected to constant and persistent noxious noise coming from the subject property, notwithstanding David's attempt to blame other neighborhoods for the noise. (I also heard no such noxious noise before he illegally (as I assert in court papers) cut trees. Also of note, the leaf blowing complaints were made on October 6, 2019 long after what I assert is illegal tree cutting had occurred on 11-1-152. The Tonnesons' alleged incursion onto 20-2-6 did not occur until November 5, 2019; this is significant, because I

⁶ The first picture shows two cars parked on the subject property in the foreground. My aerial photogrammetrist believes the structure in the background with two vehicles parked in front of it is the Tonnesons' current residence on the extension of Hemlock Street.

had provided evidence I was being bothered by noise coming from their site because of their illegal tree cutting on 11-1-1.52- not from any other illegal tree cutting on any other site.

20. With regard to affidavit point 31, the context in which I mentioned David Tonneson's health condition was in an email that his wife sent to my uncle. After I notified the authorities that Tonneson had wrongly claimed to the police he had the right to cut trees on my mother and uncle's property, Debbie wrote to my relatives demanding that they be allowed to violate their rights because she claimed David has leukemia. (Exhibit 6). I have a tape recording of a former neighbor of the Tonnesons claiming Debbie Tonneson said the same thing approximately *half a decade ago* when that neighbor complained about property rights violations and illegal septic (claims I have also made). This person claims that when he confronted David Tonneson about why Debbie was saying this to excuse their behavior, David said he wasn't really dying. This person noted (as I have) David's incessant working habits that forced both of us (this former neighbor as well as me) out of our homes with noxious noise. (The former neighbor also claimed that when he asked David why he was violating laws, David answered that the Building Inspector lets him do it). This then-neighbor did not tell me at the time what was going on, but I remember David approaching me at that time to ask if the person was "crazy". I did not know why he was asking me that.

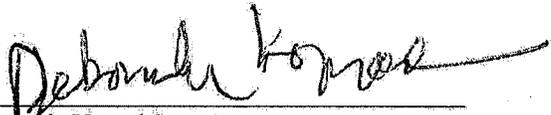
21. The claim about deathly sickness whilst incessantly working for stretches should also be considered in the context of David's claim that I was causing him to be at risk for Covid-19 while I assert he was violating multiple laws put into place by Governor Cuomo to protect him from it (see again my affidavit point 15 above.) The claims about their health are further relevant inasmuch as Debbie sent an email in conjunction with the Tonnesons' defense of my appeal to the Zoning Board of Appeals with a letter from a psychotherapist whom she appears to

have told that she and David Tonneson were under stress because of *my* so-called "crimes" (Exhibit 7). It appears to me that if they cannot get away with violating the law and cannot get people to look the other way, if called out, these two blame others (See again footnote 1 and 2 and Exhibits 10 and 11) and make a combination of outright false claims, self-serving statements and half-truths in service of their defense of why they should be allowed to violate mine and others' property rights.

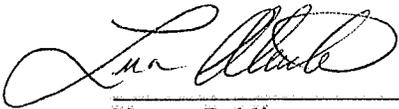
22. Exhibit 6 is further relevant because it demonstrates that Debbie is aware that I had put the Tonnesons on notice that I would seek to get the house torn down. She wrote in her email of December 9th 2019 (see again Exhibit 6):

Furthermore, Deborah Kopald claims she wants Jaïdin's house to be torn down, and of course that is not a reasonable option for us.

I had previously written to the Tonnesons' then lawyer Robert Magrino on November 29, 2019 that the Tonnesons were continuing to work at their own peril and that if I had to, I would pursue my claim at the Appellate Division, because the house was not legally erected and should be torn down. (See: Exhibit 5).


Deborah Kopald

Sworn to before me this
14th day of July 2020



Notary Public

LISA ALVARADO
Notary Public, State of New York
No. 01AL6101150
Qualified in Orange County
Commission Expires November 3, 2023

EXHIBIT 1



04/11/2020 03:25

EXHIBIT 2



EXHIBIT 3





04/09/2020 22:53



04/09/2020 22:55



04/10/2020 00:34



04/10/2020 03:41



EXHIBIT 4

PO BOX 197
FORT MONTGOMERY, NY 10922-
(845)446-1142

Entry/CC#: TH-002955-19 Date: 10/06/2019 Time: 13:50 Tour: BDesk Officer:

Call Type.....: FOLLOW-UP Priority...: How Received: OFFICER

Caller.....:
Bus. Name...:
Address.....:
City/St/Zip:

Call Back #:

Location of Assignment: 88 Forest Hill Rd, FORT MONTGOMERY APT PH
Cross Street.....:
Business Name.....:
Description.....: FOLLOW UP TO NOISE COMPLAINT
Disposition.....: COMPLETE

Post: Dispatched: Y Dispatched Date: 10/06/2019 Call Taker: 0001

OFFICERS INVOLVED

Serial #:0001 Rank:DET Name:RANDELL R BAILEY Type:ASSIGNED OFFICER
Serial #:0084 Rank:PO Name:KEVIN C WOOD Type:ASSIGNED OFFICER

UNITS INVOLVED

Unit: 114 Officers: (0001,0084)
Disp. Time: 13:50 | Arv. Time: 13:50 | Comp Time: 14:15
Rcv'd to Comp: 0:25 :: Disp to Comp: 0:25

ASSOCIATED NUMBERS

PERSONS INVOLVED

Name.....:KOPALD, DEBORAH DOB:02/20/1974
Address.....:88 Forest Hill Rd APT# PH
City/State/Zip:FORT MONTGOMERY, NY 10922-
Phone Number...:(845)446-9531
Mobile Number...:845-446-9531
Sex.....:F Race:

NARRATIVE

After receiving two noise complaints from Debra Kopald earlier in the day, officers went to her house to conduct a follow up. Officers explained to her that, the first time they had arrived to 35 Hemlock Street, there was no construction going on and the residents stated that they were just cleaning. Kopald stated that she heard hammering earlier and it may have ended by the time police arrived. Officers then explained to Kopald that when they arrived the second time she called, they once again found no construction taking place, but instead found [REDACTED] to be leaf blowing. To which Kopald stated that she was unsure of what it was when she had called.

N/F 155.

PO BOX 197
FORT MONTGOMERY, NY 10922-
(845) 446-1142

Entry/CC#: TH-002954-19 Date: 10/06/2019 Time: 13:13 Tour: BDesk Officer:

Call Type.....: NOISE COMPLAINT Priority...: How Received: 911

Caller.....: KOPALD, DEBORAH

Bus. Name...:

Address.....: 88 Forest Hill Rd APT# PH

City/St/Zip: FORT MONTGOMERY, NY 10922-

Call Back #: (845) 446-9531

Location of Assignment: 35 Hemlock St, FORT MONTGOMERY

Cross Street.....:

Business Name.....:

Description.....: CONSTRUCTION NOISE COMPLAINT

Disposition.....: COMPLETE

Post: Dispatched: Y Dispatched Date: 10/06/2019 Call Taker: 0001

OFFICERS INVOLVED

Serial #: 0001 Rank: DET Name: RANDELL R BAILEY

Type: ASSIGNED OFFICER

Serial #: 0084 Rank: PO Name: KEVIN C WOOD

Type: ASSIGNED OFFICER

UNITS INVOLVED

Unit: 114 Officers: (0001, 0084)

Disp. Time: 13:13 | Arrv. Time: 13:13 | Comp Time: 13:29

Rcv'd to Comp: 0:16 :: Disp to Comp: 0:16

ASSOCIATED NUMBERS

PERSONS INVOLVED

Name.....: KOPALD, DEBORAH DOB: 02/20/1974

Address.....: 88 Forest Hill Rd APT# PH

City/State/Zip: FORT MONTGOMERY, NY 10922-

Phone Number...: (845) 446-9531

Mobile Number...: 845-446-9531

Sex.....: F Race:

Person Type...: CALLER

Name.....: [REDACTED]

Address.....: 1 [REDACTED]

City/State/Zip: HIGHLAND FALLS, NY 10996-

Phone Number...: [REDACTED]

Sex.....: M Race:

Person Type...: PERSON INTERVIEWED

NARRATIVE

On the above date and time, Det. Bailey and PO Wood where dispatched to a second noise complaint at 35 Hemlock Street. Upon arrival, officers where met by and spoke to [REDACTED] who was leaf blowing the driveway. No construction was going on. Officers cleared, no violation of local ordinance was observed.

N/F 155.

EXHIBIT 5

Deborah Kopald
P.O. Box 998
Fort Montgomery, NY 10922-0998

Mr. Robert Magrino, Esq.
222 North Main Street
New City, NY 10956

November 29, 2019

NOTICE

Dear Mr. Magrino,

Inasmuch as the Court pushed out my request for preliminary injunction past the motions to dismiss, which I assert should not be granted, further work by your clients, David and Deborah Tonneson and Jaidin Paisley-Tonneson will be done at their own peril.

I have asked for land remediation and for the house to be torn down. It was not legally erected with proper permits, and I asked the Court to stop it before it went up.

Furthermore, if I do not get the injunction and if my case is dismissed by the lower court judge, I will appeal any such ruling and continue to demand that the house be torn down. If your clients continue to work thereafter, they will continue to assume all risks of doing so.

Please guide your clients accordingly.

Very truly yours,

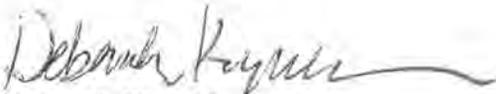

Deborah Kopald,
Petitioner pro se

EXHIBIT 6

FW: Re: 11-1-1-5.2

From: skopald@hvc.rr.com (skopald@hvc.rr.com)

To: deborah_kopald@ymail.com

Date: Tuesday, July 14, 2020, 09:06 AM EDT

From: "Debbie Tonneson"
To: "Debbie Tonneson", "Ned Kopald"
Cc:
Sent: Monday December 9 2019 11:39:06AM
Subject: Re: 11-1-1-5.2

I apologize for contacting you, but we did purchase the property from Canterbury Forest Corporation for \$175,000, and we need your cooperation. Being that is such a huge investment for us, we need to supply electricity to the home in which were building for Jaidin. it is our belief that we have an easement over the Canterbury Forest lot to supply electricity from the pole on Forest Hill Road. Your daughter/niece, Deborah Kopald is apparently trying to stop our utility easement from going over your Canterbury Forest lot. We find it highly unreasonable and unethical for her to control that since we had an agreement at the time we purchased the property in May 2019.

It is of the utmost urgency that we get electricity to the house before ours and Jaidin's investment is ruined. As you know, that was the purpose of the purchase. Quite frankly, Jaidin and her soon-to-be husband would be very good neighbors to Deborah. We just wish she could see that. Do we have an easement to run a electricity line over your property as we originally believed? Please provide us documentation saying such.

In addition, are you willing to purchase the remaining property back that adjoins Deborah Kopald's property? (Being that she does not want development near her and in the name of neighborly civil relations.) We are also willing to plant many fast growing pine trees between Jaidin's property and Deborah's property in an effort to alleviate what she claims is noise and view. Our attorney advises us that he cannot reason with Deborah Kopald to negotiate a neighborly outcome. Maybe you both can? Furthermore, Deborah Kopald claims she wants Jaidin's house to be torn down, and of course that is not a reasonable option for us. We are simply trying to protect our investment and our civil rights as land owners.

Dave Tonneson is 76 years old and has leukemia. Building this house for our daughter is at the end of his "bucket list", and this entire experience has been detrimental to all of us. We feel it to be unfair to live our last remaining time on Earth arbitrating in court with long time friends.

*We would like to re-extend and re-visit cordial neighborly negotiations if at all possible.

Please respond accordingly.

Sent from my iPhone

EXHIBIT 7

246 Main Street
Cornwall, New York 12518
845-534-2980
NPI – 1447264965

May 1, 2020

Re: Debbie and David Tonneson

Post Office Box 183

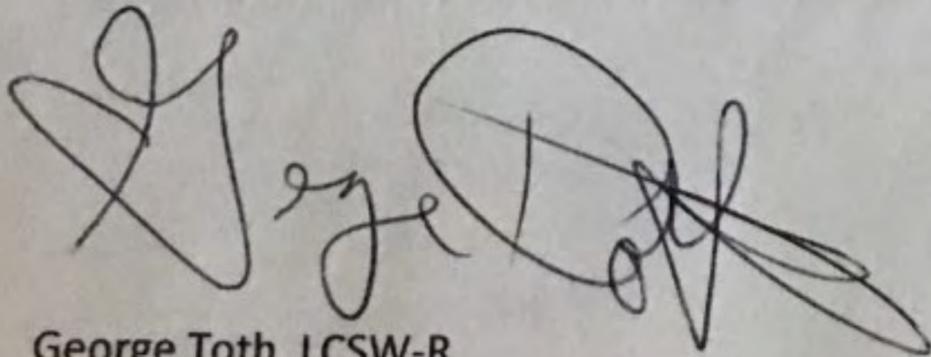
Fort Montgomery, New York 10922

To Whom It May Concern:

This is to indicate that Debbie and David Tonneson are active with supportive psychotherapy and diagnosed as F41.1.

It is noted that much of their anxiety and stress is exacerbated by the alleged abusive crimes continuing to be committed against them and their desire to live in peace.

Sincerely,

A handwritten signature in black ink, appearing to read "George Toth". The signature is stylized and somewhat cursive, with a large loop at the end.

George Toth, LCSW-R

EXHIBIT 8

[HOME \(/\)](#) / GUIDANCE ON EXECUTIVE ORDER 202.6

GUIDANCE FOR DETERMINING WHETHER A BUSINESS ENTERPRISE IS SUBJECT TO A WORKFORCE REDUCTION UNDER RECENT EXECUTIVE ORDERS

(enacted to address the COVID-19 Outbreak)

Please review our Frequently Asked Questions [here](https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_033120.pdf) (https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_033120.pdf).

UPDATED: APRIL 28, 2020 at 5:45 PM

ESSENTIAL BUSINESSES OR ENTITIES, including any for-profit or non-profit, regardless of the nature of the service, the function they perform, or its corporate or entity structure, are not subject to the in-person restriction. *Essential Businesses must continue to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Department of Health (DOH) and every business, even if essential, is strongly urged to maintain social distancing measures to the extent possible.*

This guidance is issued by the New York State Department of Economic Development d/b/a Empire State Development (ESD) and applies to each business location individually and is intended to assist businesses in determining whether they are an essential business. With respect to business or entities that operate or provide both essential and non-essential services, supplies or support, only those lines and/or business operations that are necessary to support the essential services, supplies, or support are exempt from the workforce reduction restrictions. ▼

[Why New York State?](#) ▼

State and local governments, including municipalities, authorities, and school districts, are exempt from these essential business reductions, but are subject to other provisions that restrict non-essential, in-person workforce and other operations under [Executive Order 202](https://www.governor.ny.gov/executiveorders) (<https://www.governor.ny.gov/executiveorders>). ▼

[About Us](#) For purposes of Executive Order 202.6, “Essential Business,” shall mean businesses operating in or as: ▼

[ESD Media Center](#) ▼

[I. Essential health care operations including](#)

- research and laboratory services
- hospitals
- walk-in-care health clinics and facilities
- emergency veterinary, livestock medical services
- senior/elder care
- medical wholesale and distribution
- home health care workers or aides for the elderly
- doctor and emergency dental
- nursing homes, residential health care facilities, or congregate care facilities

- medical supplies and equipment manufacturers and providers
- licensed mental health providers
- licensed substance abuse treatment providers
- medical billing support personnel
- emergency chiropractic services
- physical therapy, prescribed by medical professional
- occupational therapy, prescribed by medical professional

2. Essential infrastructure including

- public and private utilities including but not limited to power generation, fuel supply, and transmission
- public water and wastewater
- telecommunications and data centers
- airlines/airports
- commercial shipping vessels/ports and seaports
- transportation infrastructure such as bus, rail, for-hire vehicles, garages
- hotels, and other places of accommodation

3. Essential manufacturing including

- food processing, manufacturing agents including all foods and beverages
- chemicals
- medical equipment/instruments

Why New York State?

- pharmaceuticals



Doing Business in NY

- sanitary products, including personal care products regulated by the Food and Drug Administration (FDA)



Industries ((/industries)

- microelectronics/semi-conductor

Regions (regions)

- food/products agriculture/farms
- household paper products

About Us

- defense industry and the transportation infrastructure



ESD Medicenter

- any parts or components necessary for essential products that are referenced within this guidance



4. Essential retail including

- grocery stores including all food and beverage stores
- pharmacies
- convenience stores
- farmer's markets
- gas stations

- restaurants/bars (but only for take-out/delivery)
- hardware, appliance, and building material stores
- pet food
- telecommunications to service existing customers and accounts
- delivery for orders placed remotely via phone or online at non-essential retail establishments; provided, however, that only one employee is physically present at the business location to fulfill orders

5. Essential services including

- trash and recycling collection, processing, and disposal
- mail and shipping services
- laundromats and other clothing/fabric cleaning services
- building cleaning and maintenance
- child care services
- bicycle repair
- auto repair
- automotive sales conducted remotely or electronically, with in-person vehicle return and delivery by appointment only
- warehouse/distribution and fulfillment
- funeral homes, crematoriums and cemeteries
- storage for essential businesses
- maintenance for the infrastructure of the facility or to maintain or safeguard materials or products therein
- animal shelters and animal care including dog walking, animal boarding
- landscaping, but only for maintenance or pest control and not cosmetic purposes
- designing, printing, publishing and signage companies to the extent that they support essential businesses or services

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• remote instruction or streaming of classes from public or private schools or health/fitness centers; provided, however, that no in-person

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congregate classes are permitted

[Industries \(/industries\).](#)

[Regions \(/regions\).](#)

[6. News media](#)

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7. Financial Institutions including

- banks or lending institution
- insurance
- payroll
- accounting
- services related to financial markets, except debt collection

8. Providers of basic necessities to economically disadvantaged populations including

- homeless shelters and congregate care facilities
- food banks
- human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support

9. Construction

All non-essential construction must safely shut down, except emergency construction, (e.g. a project necessary to protect health and safety of the occupants, or to continue a project if it would be unsafe to allow to remain undone, but only to the point that it is safe to suspend work).

Essential construction includes:

- construction for, or your business provides necessary support for construction projects involving, roads, bridges, transit facilities, utilities, hospitals or healthcare facilities, homeless shelters, or public or private schools;
- construction for affordable housing, as defined as construction work where either (i) a minimum of 20% of the residential units are or will be deemed affordable and are or will be subject to a regulatory agreement and/or a declaration from a local, state, or federal government agency or (ii) where the project is being undertaken by, or on behalf of, a public housing authority;
- construction necessary to protect the health and safety of occupants of a structure;
- construction necessary to continue a project if allowing the project to remain undone would be unsafe, provided that the construction must be shut down when it is safe to do so;
- construction for projects in the energy industry in accordance with Question No. 14 in the FAQ at:
https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_033120.pdf
 (https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_033120.pdf);
- construction for existing (i.e. currently underway) projects of an essential business; or

Why New York State?

- construction work that is being completed by a single worker who is the sole employee/worker on the job site.

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At every site, it is required that the personnel working on the site maintain an appropriate social distance, including for purposes of Industries (/industries) and exits. Sites that cannot maintain appropriate social distancing, as well as cleaning/disinfecting protocols must close. Enforcement will be conducted by state and local governments, including fines up to \$10,000 per violation. Regions (/regions).

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Construction may continue solely with respect to those employees that must be present at the business location/construction site in support of essential business activities. No other employees/personnel shall be permitted to work in-person at the business

ESD Media Center

located on construction site. Any other business activities being completed that are not essential are still subject to the restrictions provided by Executive Order 202.

As noted above, local governments, including municipalities and school districts, are allowed to continue construction projects at this time as government entities are exempt from these essential business restrictions. However, to the greatest extent possible, local governments should postpone any non-essential projects and only proceed with essential projects when they can implement appropriate social distancing and cleaning/disinfecting protocols. Essential projects should be considered those that have a nexus to health and safety of the building occupants or to support the broader essential services that are required to fulfill the critical operations of government or the emergency response to the COVID-19 public health crisis.

10. Defense

- defense and national security-related operations supporting the U.S. Government or a contractor to the US government

11. Essential services necessary to maintain the safety, sanitation and essential operations of residences or other businesses including

- law enforcement, including corrections and community supervision
- fire prevention and response
- building code enforcement
- security
- emergency management and response, EMS and 911 dispatch
- building cleaners or janitors
- general maintenance whether employed by the entity directly or a vendor
- automotive repair
- disinfection
- residential moving services

12. Vendors that provide essential services or products, including logistics and technology support, child care and services including but not limited to:

- logistics
- technology support for online services
- child care programs and services

Why Government Owned or leased buildings

- essential government services

Doing Business in NY

- any personnel necessary for online or distance learning or classes delivered via remote means

Industries (/industries).

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13. Recreation

About Us

- Parks and other open public spaces, except playgrounds and other areas of congregation where social distancing cannot be abided
- However, golf courses are not essential and cannot have employees working on-premise; notwithstanding this restriction, essential services, such as groundskeeping to avoid hazardous conditions and security, provided by employees, contractors, or vendors are permitted and private operators may permit individuals access to the property so long as there are no gatherings of any kind and appropriate social distancing of six feet between individuals is strictly abided
- Marinas, boatyards, and recreational marine manufacturers, for ongoing marina operations and boat repair/maintenance, where such facilities adhere to strict social distancing and sanitization protocols. Use of such sites for the purposes of personal use or operation of boats or other watercraft is permissible, provided that no establishment offer chartered watercraft services or rentals. Restaurant activity at such sites are limited to take-out or delivery only.

14. Professional services with extensive restrictions

- Lawyers may continue to perform all work necessary for any service so long as it is performed remotely. Any in-person work presence shall be limited to work only in support of essential businesses or services; however, even work in support of an essential business or service should be conducted as remotely as possible.
- Real estate services shall be conducted remotely for all transactions, including but not limited to title searches, appraisals, permitting, inspections, and the recordation, legal, financial and other services necessary to complete a transfer of real property; provided, however, that any services and parts therein may be conducted in-person only to the extent legally necessary and in accordance with appropriate social distancing and cleaning/disinfecting protocols; and nothing within this provision should be construed to allow brokerage and branch offices to remain open to the general public (i.e. not clients).

Pursuant to [Executive Order 202.10 \(https://www.governor.ny.gov/news/no-20210-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency\)](https://www.governor.ny.gov/news/no-20210-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency), all non-essential gatherings of individuals of any size for any reasons (e.g. worship services, parties, celebrations, or other social events) are canceled or postponed. Congregate services within houses of worship are prohibited. Houses of worship may only be used by individuals and only where appropriate social distancing of, at least, six feet between people can be maintained. Further, individuals should not gather in houses of worship, homes, or other locations for religious services until the end of this public health emergency. If possible, religious leaders should consider alternative forms of worship, replacing in-person gatherings with virtual services, such as phone or conference calls, videoconference calls, or online streaming.

If the function of your business is listed above, you do not need to request any special designation or approval to operate.

If you are unsure whether your business is performing an essential service or function as outlined in the above guidance, or if your business is not listed but you believe the services or products you supply are essential, you may request clarification or consideration as an essential business by [clicking here \(https://esd.ny.gov/content/request-designation-essential-business-purposes-executive-order-2026\)](https://esd.ny.gov/content/request-designation-essential-business-purposes-executive-order-2026).

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Restrictions on requesting designation as an essential business:

[Industries \(\(/industries\)](#)

Pursuant to the Governor’s Executive Orders, the following businesses are specifically enumerated as non-essential and are, therefore, [Regions \(\(/regions\)](#) unable to request a designation:

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- Any large gathering or event venues, including but not limited to establishments that host concerts, conferences, or other in-person

[ESD Meeting Centers](#) ▼

- Any dine-in or on-premise restaurant or bar service, excluding take-out or delivery for off-premise consumption;
- Any facility authorized to conduct video lottery gaming or casino gaming;
- Any gym, fitness centers, or exercise classes, except the remote or streaming service noted above;
- Any movie theater;
- Any indoor common portions of retail shopping malls with 100,000 or more square feet of retail space available for lease;
- All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, arcades, fairs, children’s play centers, funplexes, theme parks, bowling alleys, family and children’s attractions; and
- Any barbershops, hair salons, tattoo or piercing parlors and related personal care services, including nail technicians, cosmetologists and estheticians, and the provision of electrolysis, laser hair removal services.

For more information on New York's response to COVID-19 and guidance on cleaning and disinfection of facilities, please refer to the New York State Department of Health's webpage at: <https://coronavirus.health.ny.gov/home> (<https://coronavirus.health.ny.gov/home>).

Additional information from the United States Centers for Disease Control and Prevention can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/> (<https://www.cdc.gov/coronavirus/2019-ncov/>).

Frequently Asked Questions

[CLICK HERE \(HTTPS://ESD.NY.GOV/SITES/DEFAULT/FILES/ESD_ESSENTIALEMPLOYERFAQ_033120.PDF\)](https://esd.ny.gov/sites/default/files/esd_essentialemployerfaq_033120.pdf)

Request clarification or consideration as an essential business

[CLICK HERE \(HTTPS://ESD.NY.GOV/CONTENT/REQUEST-DESIGNATION-ESSENTIAL-BUSINESS-PURPOSES-EXECUTIVE-ORDER-2026\)](https://esd.ny.gov/content/request-designation-essential-business-purposes-executive-order-2026)

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 [Newsletter](https://visitor.r20.constantcontact.com/v=001ckb9oAtDPLM239IDMzogDyDRQ5U8nB_KJ2FQqWTQx7pB66EC6)

https://visitor.r20.constantcontact.com/v=001ckb9oAtDPLM239IDMzogDyDRQ5U8nB_KJ2FQqWTQx7pB66EC6

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[Economic Indicators Dashboard \(https://esd.ny.gov/sites/default/files/DashboardFeb2020.pdf\)](https://esd.ny.gov/sites/default/files/DashboardFeb2020.pdf)

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[Requests for Proposals \(/doing-business-ny/requests-proposals\)](#)

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AFFILIATES

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EXHIBIT 9

PO BOX 197
FORT MONTGOMERY, NY 10922-
(845)446-1142

Entry/CC#: TH-003282-19 Date: 11/05/2019 Time: 16:28 Tour: CDesk Officer:

Call Type.....: TRESPASS Priority...: How Received: 911

Caller.....:
Bus. Name...:
Address.....:
City/St/Zip:

Call Back #:

Location of Assignment: 35 HEMLOCK ST PO BOX 183, FORT MONTGOMERY

Cross Street.....:

Business Name.....:

Description.....: PROCESS SERVER AT A RESIDENCE

Disposition.....: COMPLETE

Post: Dispatched: Y Dispatched Date: 11/05/2019 Call Taker:

OFFICERS INVOLVED

Serial #:0061 Rank:PO Name:BRANDON R HILL Type:ASSIGNED OFFICER

UNITS INVOLVED

Unit: 118 Officers: (0061)
Disp. Time: 16:28 | Arv. Time: 16:34 | Comp Time: 17:43
Rcv'd to Comp: 1:15 :: Disp to Comp: 1:15

ASSOCIATED NUMBERS

Case # :TH-00134-19 Incident Type: TRESPASS

PERSONS INVOLVED

Name.....: [REDACTED] DOB: 02/20/1974
Address.....: 35 HEMLOCK ST PO BOX 183
City/State/Zip: FORT MONTGOMERY, NY 10922-
Phone Number...:
Sex.....: F Race:
Person Type...: COMPLT./VICTIM

Name.....: KOPALD, DEBORAH A DOB: 02/20/1974
Address.....: 88 FOREST HILL
City/State/Zip: FORT MONTGOMERY, NY 10922-
Phone Number...: 845-446-9531
Mobile Number...: 845-446-3768
Sex.....: F Race: WHT
Person Type...: NOT INTERVIEWED

NARRATIVE

On the above date and time PO Hill was dispatched to the above residence for a report of an unknown male on the property. Upon arrival the male had left the scene, the caller stated a man who was a process server attempted to give her court paperwork, but when she refused to take it he left the paperwork on the front porch, then proceeded to look into the window of her front door. The caller stated she has on going legal issues with Deborah

Kopald, and that she feels threatened by her actions. After speaking with the caller further it was determined that Kopald had not committed any crime at this time. The caller stated Kopald was using her drone to take pictures of her home for use in various lawsuits, ADA Tanja Beemer was contacted and advised of the complaint, Beemer stated if the drone was not used to take photographs of the caller while she was nude, then no crime had been committed. Both Chief's notified of the incident, no complaint at this time.

EXHIBIT 10

At: 14:30:53

PO BOX 197
FORT MONTGOMERY, NY 10922-
(845) 446-1142

Entry/CC#: TH-003280-19 Date: 11/05/2019 Time: 15:13 Tour: CDesk Officer:

Call Type.....: NEIGHBOR DISPUTE Priority...: How Received: 911

Caller.....: KOPALD, DEBORAH A

Bus. Name...:

Address.....: 88 FOREST HILL

City/St/Zip: FORT MONTGOMERY, NY 10922-

Call Back #: 845-446-9531

Location of Assignment: 88 FOREST HILL, FORT MONTGOMERY

Cross Street.....:

Business Name.....:

Description.....: PROPERTY LINE DISPUTE

Disposition.....: COMPLETE

Post: Dispatched: Y Dispatched Date: 11/05/2019 Call Taker:

OFFICERS INVOLVED

Serial #: 0061 Rank: PO Name: BRANDON R HILL Type: ASSIGNED OFFICER

UNITS INVOLVED

Unit: 118 Officers: (0061)
Disp. Time: 15:13 | Arr. Time: 15:17 | Comp Time: 15:50
Rcv'd to Comp: 0:37 :: Disp to Comp: 0:37

ASSOCIATED NUMBERS

PERSONS INVOLVED

Name.....: KOPALD, DEBORAH A DOB: 02/20/1974
Address.....: 88 FOREST HILL
City/State/Zip: FORT MONTGOMERY, NY 10922-
Phone Number...: 845-446-9531
Mobile Number...: 845-446-3768
Sex.....: F Race: WHT
Person Type...: CALLER

Name.....: [REDACTED]
Address.....: [REDACTED]
City/State/Zip: HIGHLAND FALLS, NY 10928
Phone Number...: [REDACTED]
Sex.....: M Race:
Person Type...: PERSON INTERVIEWED

Name.....: [REDACTED]
Address.....: [REDACTED]
City/State/Zip: FORT MONTGOMERY, NY 10922
Phone Number...: [REDACTED]
Sex.....: M Race: WHT
Person Type...: PERSON INTERVIEWED

NARRATIVE

On the above date and time PO Hill was dispatched to the above location for a dispute of the property line between 88 Forest Hill Road and 80 Forest Hill Road. Kopald stated she owns the land where the owner of 80 Forest Hill Road [REDACTED] was cutting down trees this afternoon. After interviewing [REDACTED] he stated the land in question was owned by [REDACTED]. [REDACTED] was interviewed and produced a bill of sale and a deed for the land in question. Several attempts via telephone were made to contact Kopald and advise her of the findings, but she did not answer the phone, patrol clear, nothing further.

EXHIBIT 11

Bruce Terwilliger

From: Debbie Tonneson <debbietonneson@hotmail.com>
Sent: Tuesday, December 10, 2019 9:13 AM
To: Bruce Terwilliger
Cc: Brendan J Gallagher
Subject: Tonneson/Kopald Electric Dispute

Bruce: we are requesting that you send an email to Orange and Rockland updating them that we continue to have a legal permitted single-family home in construction. Deborah Kopald is attempting to stop our electricity hook up. She's claiming we have no right of way, when we certainly do. Maybe you have a copy of the senior deed that follows that Canterbury forest lot? Apparently we have to have a document stating we have aerial easement over the property for the wire. Nevertheless, Orange and Rockland need to be notified that the permit is still legal.

The lot that is owned by Canterbury forest corporation, is owned by Sue And Ned Kopald, not Deborah Kopald. Furthermore, we did not cut any trees on that lot, The owner of the home being constructed on Forest Hill Road and who is not being harassed, Jack McCarthy had them cut by his brother, McCarthy's tree service.

Thank you,
David Tonneson

Walter ::We are the attys for Susan Kopald who is a principal in canterbury the owner of the lot 20-2-6 over which a utility line is proposed and trees have been cut. No

Permission has been given for either of those activities. If you have evidence there is an lease forward immediately, stop your activity until we see your response and if you have no evidence stop immediately

Sent from my iPhone

On Dec 8, 2019, at 12:59 PM, Deborah Kopald
<deborah_kopald@ymail.com<mailto:deborah_kopald@ymail.com>> wrote:

Hi Walter,

With regard to our conversation about the pole on Forest Hill Road, apart from the issue of the illegality of the Tonnesons' construction of a house on Sec-Block-Lot 11-1-1.52, their surveyor falsely claimed to the town that they had a "right of way" through Canterbury Forest Corp's property (20-2-6), which is owned in part by my mother. She and her attorney, Jerry Jacobowitz are copied on this email.

Attached is the tax map; you will see that the Tonnesons do not own the lot that the electric wires would pass through. The tree cutting was also illegal, but even if O&R doesn't perceive that as its problem, the deed

EXHIBIT 12

RE: With regard to the pole at Forest Hill Road- and running electric wires illegally through others' property <External Sender>

From: Hedeman, Walter (hedemanw@coned.com)
To: gnj@Jacobowitz.Com; deborah_kopald@ymail.com
Cc: skopald@hvc.rr.com
Date: Wednesday, January 22, 2020, 04:12 PM EST

Mr. Jacobowitz and Ms. Kopald,

The utility service line for the Tonneson residence will not pass over parcel 20-2-6 and the pole on Forest Hill Road will be removed within the next three weeks.

Thank you.

Walter Hedeman
Staff Attorney
Regulatory Service
4 Irving Place, NY, NY
Room 18-826
212-460-4485

From: Gerald Jacobowitz <gnj@Jacobowitz.Com>
Sent: Monday, December 9, 2019 10:15 AM
To: Deborah Kopald <deborah_kopald@ymail.com>
Cc: Hedeman, Walter <HEDEMANW@coned.com>; S. K. <skopald@hvc.rr.com>
Subject: Re: With regard to the pole at Forest Hill Road- and running electric wires illegally through others' property <External Sender>

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STOP WHEN UNSURE. Never click on links or open attachments if sender is unknown, and never provide user ID or password. Suspicious? Use the Phish Reporter (for mobile phones, forward message to Email Check)

Walter ::We are the attys for Susan Kopald who is a principal in canterbury the owner of the lot 20-2-6 over which a utility line is proposed and trees have been cut. No

Permission has been given for either of those activities. If you have evidence there is an lease forward immediately, stop your activity until we see your response and if you have no evidence stop immediately

Sent from my iPhone

On Dec 8, 2019, at 12:59 PM, Deborah Kopald <deborah_kopald@ymail.com> wrote:

Hi Walter,

With regard to our conversation about the pole on Forest Hill Road, apart from the issue of the illegality of the Tonnesons' construction of a house on Sec-Block-Lot 11-1-1.52, their surveyor falsely claimed to the town that they had a "right of way" through Canterbury Forest Corp's property (20-2-6), which is owned in part by my mother. She and her attorney, Jerry Jacobowitz are copied on this email.

Attached is the tax map; you will see that the Tonnesons do not own the lot that the electric wires would pass through. The tree cutting was also illegal, but even if O&R doesn't perceive that as its problem, **the deed that was given to Tonnesons grants NO EASEMENT over 20-2-6 and there is nothing in the Orange County land records recording any such easement or right of way through 20-2-6.** That means it does not legally exist. There is no consent in writing, orally or otherwise from my mother to run electric wires over her property to Tonneson's illegal house.

O&R does not have the right to run electric wires over 20-2-6 without the permission of Canterbury Forest Corporation.

As an aggrieved neighbor, I do not want those wires passing through there; in any event, it is wholly improper for Tonneson to claim he has a right of way that he does not have, if he has in fact done so to O&R. **If he has claimed that he owns 20-2-6 and/or that he has a right of way and/or easement over it, he has made a misrepresentation to O&R.** This misrepresentation can be shown by absence of such claim in the land records or in any recorded deed,

Please relay this to the appropriate attorney at O&R who handles these matters and ask the company to cease and desist from placing a pole on property that has not permitted a pole to be placed on it and to cease and desist from running electric wires across property that has not permitted such wires to be run across it.

Please copy us on correspondence you send to whomever that attorney/department is.

Thank you,

Deborah

Deborah Kopald <deborah_kopald@ymail.com>

To: Walter Hedeman

Nov 25 at 10:49 AM

Hi Walter,

Per conversation, I looked over general obligations 16 nycrr 11.3 a4- residential service, inho, does not encompass illegal residences on a rural unplatted lot that has not been approved by the Planning Board for residential construction. Also does not include illegal structures that have been erected contrary to NY Town Law 280-a. It's not a residential structure and what O&R would be providing is not residential service.

Kindly relay my cease and desist request to said department & superior.

Thank you,

Deborah

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<tree massacre 2.jpg>

<tree massacre 3.jpg>

<tax map 11.pdf>

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EXHIBIT 13

- Raymond Devereaux <raydev8385@gmail.com>;
- Joe McCormick <jm2575@aol.com>;
- joemurphy112@yahoo.com <joemurphy112@yahoo.com>;
- Daniel Zint <eaglfire@aol.com>;
- Alyse Terhune <aterhune@ldzhlaw.com>;
- Bruce Terwilliger <bterwilliger@highlands-ny.gov>;
- Dorothy Torpey <dtorpey@highlands-ny.gov>;
- Richard Sullivan <rsullivan@highlands-ny.gov>

☐2 attachments (596 KB)

Tonneson Aff.pdf; ATT00001.txt;

Bruce/Dorothy, Please print the attachment and place in the Kopald ZBA file.

From: Debbie Tonneson <debbietonneson@hotmail.com>

Sent: Thursday, May 21, 2020 3:30 PM

To: Jack Jannarone; jmccormick@highlands-ny.gov; jmurphy@highlands-ny.gov; dzint@highlands-ny.gov; rdevereaux@highlands-ny.gov

Subject: Tonneson Aff.pdf

Our response

Note: The attachment is the response by David Tonneson to the Kopald appeal to the Appellate Division. JMJ

Reply Affd of DK (05-18-20).pdf

Debbie Tonneson <debbietonneson@hotmail.com>

Thu 5/21/2020 3:41 PM

To:

- Jack Jannarone <jjannarone@highlands-ny.gov>;
- jmccormick@highlands-ny.gov <jmccormick@highlands-ny.gov>;
- jmurphy@highlands-ny.gov <jmurphy@highlands-ny.gov>;
- rdevereaux@highlands-ny.gov <rdevereaux@highlands-ny.gov>;
- dzint@highlands-ny.gov <dzint@highlands-ny.gov>

☐2 attachments (818 KB)

Reply Affd of DK (05-18-20).pdf; ATT00001.txt;

FYI: If fees are waived for Deborah Kopald, it gives her more power to harass us and others in the future. We ask the zoning board of appeals to look objectively at her request. We assert that we have only follow the guidelines of the building inspector and the governors directives during this pandemic shut down.

She falsely claims we sent her a letter about cell towers which we did not. It did not come from us. We have absolutely no contact with her.

We as a family living of three living together have been the ones working on our own property. Everything she claims in her documents are complete fabrications and downright lies. She is a serial pro se Vexatious frivolous litigant. We hope and pray the court sees that.

EXHIBIT 14

in the Kopald ZBA file.

Jack

From: Debbie Tonneson <debbietonneson@hotmail.com>

Sent: Tuesday, April 14, 2020 12:06 PM

To: Bob Livsey; Justin Rider; Jack Jannarone; Bruce Terwilliger; Richard Sullivan; Richard Parry; jmurphy@highlands-ny.gov; jmccormick@highlands-ny.gov; rdevereaux@highlands-ny.gov; Francis Pierri; Ty King; esmith@highlands-ny.org; Stephen Honan

Subject: Another state police call!!! Harassment

We had another state trooper here today from the Newburgh office because Deborah Kopald turned us in for illegal construction. That is That is five false reports from her in the past week. Dave Tonneson is working by himself at our home. We own the property, we own the home, he's trying to stay busy, we are doing nothing wrong. We want to press charges against her for continuous harassment. The judge labeled her a vexatious litigant. Someone needs to protect us from her.

No law abiding family should have to put up with this abuse and torture. We are trying to cope with this coronavirus invisible enemy and are under a great deal of anxiety. We are trying to plan a wedding for our youngest child in which we don't even know can happen. We are doing small things around our own house. We are not making any noise. There are no crews here. We are following the law. We are being continuously and viciously attacked by her using The town please and the state troopers to visit our property. this is extremely stressful.

Fw: FYI

Jack Jannarone <jjannarone@highlands-ny.gov>

Mon 4/13/2020 6:45 AM

To:

- Alyse Terhune <aterhune@ldzhlaw.com>;
- Raymond Devereaux <raydev8385@gmail.com>;
- Joe McCormick <jm2575@aol.com>;
- joemurphy112@yahoo.com <joemurphy112@yahoo.com>;
- Daniel Zint <eaglfire@aol.com>;
- Bruce Terwilliger <bterwilliger@highlands-ny.gov>;
- Dorothy Torpey <dtorpey@highlands-ny.gov>

Bruce or Dorothy, Pleas print both messages in this thread and place in the Kopald ZBA file. 

Jack

From: Debbie Tonneson <debbietonneson@hotmail.com>

Sent: Sunday, April 12, 2020 9:35 PM

To: Francis Pierri <fpierri@tohpolic.com>; Bob Livsey <blivsey@highlands-ny.gov>; Bruce Terwilliger

<bterwilliger@highlands-ny.gov>; Richard Sullivan <rsullivan@highlands-ny.gov>; Richard Parry <rparry@highlands-ny.gov>; jmccormick@highlands-ny.gov <jmccormick@highlands-ny.gov>; jmurphy@highlands-ny.gov <jmurphy@highlands-ny.gov>; rdevereaux@highlands-ny.gov <rdevereaux@highlands-ny.gov>; Jack Jannarone <jjannarone@highlands-ny.gov>; Justin Rider <JRider@riderweiner.com>; Ty King <tking@highlands-ny.gov>; Debbie Tonneson <debbietonneson@icloud.com>; Debbie Tonneson <debbietonneson@hotmail.com>

Subject: Fwd: FYI

FYI

Deborah Kopald's continuous FALSE CLAIMS are harassment, slander, stalking, invalid and misleading lies. The Tonneson's ask for her to be charged under the law. OUR CIVIL RIGHTS are being blatantly violated. We are being discriminated against by the town because of the town's fear of her lawsuits. We know through foil that she has threatened almost every person that works for the town, in some capacity or another. We know that Justin Rider has been threatened to be turned into the Attorneys grievance committee of New York State. Is that why attorney rider will not agree to file charges against her? Clearly our rights as taxpaying landowners are being extremely violated. We are being denied the enjoyment of our property we paid her mother and uncle a lot of money for. She can file numerous lawsuits and cost the citizens of this community much revenue, are being discriminated against by the town because of the towns fear of her lawsuits, but she will never win because she is absolutely incorrect as documented by the state police on Saturday, March 28 and again on Saturday, April 11th. (On or about April 8th, we observed officer Huff at the base of our driveway and assumed Deborah Kopald was making false accusations yet again!)

* No crews have been working at our house! We have always complied with the governors directive. The picture that Deborah Kopald is talking about from the back deck was Dave Tonneson and his wife Deborah Tonneson. Deborah Tonneson waved at her. No one thumbed their nose at her. We have never purposely tried to make noise, never broke the law, and always follow the directive of the building inspector. That we can assure you. furthermore, We would be wonderful neighbors if she would just allow it. Clearly she will not. Please help us resolve this matter before we are forced to file our own lawsuit. We're trying really desperately not to.

Again, she is not the monarch of the Town Of The Highlands, (As she behaves) , and she was not elected to any official position. She cannot make up the laws or INTERPRET the laws as she sees fit. I advise the officials of the Town Of The Highlands to disregard her blatant threats and her Flaunting her legal knowledge. She will appeal anything she can, but she is incorrect, and will never win. She's only wasting the Town's money, and ours.

We will not be employing an attorney any longer. We have spent entirely too much money when the town's lawyer should be handling all of this himself!!!! Justin Rider and his firm needs to defend the building inspector at the ZBA public hearing and the members of the community, not just one individual. We ask, where was the towns attorney at the last ZBA hearing in January? He wasn't there. The building inspector, Our home and our investment was not defended.

Lastly, we're only simply trying to build a single-family home for our daughter and her fiancé who are to be married this summer. We ask, why is Deborah Kopald so afraid of one single family house on a 15 acre lot?

Sent from my iPhone

Begin forwarded message:

From: Bob Livsey <blivsey@highlands-ny.gov>
Date: April 12, 2020 at 6:35:00 AM EDT
To: Debbie Tonneson <debbietonneson@hotmail.com>
Subject: Fwd: FYI

Sent from my iPhone

Begin forwarded message:

From: Deborah Kopald <deborah_kopald@ymail.com>
Date: April 11, 2020 at 5:21:52 PM EDT
To: Bob Livsey <blivsey@highlands-ny.gov>, Justin Rider <JRider@riderweiner.com>, Bruce Terwilliger <bterwilliger@highlands-ny.gov>
Cc: Kelly Naughton <knaughton@bmglawyers.com>

Tonneson was working with a crew yesterday and today in violation of the governor's order.

He is not essential construction. He does not qualify as essential property.

He does not have the right to have multiple people on the property working during this emergency.

This has been going on for weeks and for the last two days I have photograph proof of multiple parties on site.

He should have gotten a \$2K citation for yesterday and a \$3K citation today.

Everyone else is complying with the governor's orders. As usual Tonneson is allowed to do whatever he wants.

At one point he and a crew member were literally standing right next to each other thumbing their noses at me from the deck- so much for 6 feet distance. But again the rule that only one person is allowed on the site doing non-essential is there for a reason.

It continues to be unacceptable that the Town will not enforce any laws- local, state or federal or an emergency order of the Governor.

Furthermore, what kind of person works on Good Friday/Passover? and the next day? (This has been going on for weeks- but I have proof of multiple people on site at this juncture.

EXHIBIT 15

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
CANTERBURY FOREST CORP.,

Index No.

Plaintiff,

Plaintiff(s) designates
ORANGE County as the place
of trial

- against -

DAVID TONNESON, DEBORAH TONNESON, JAIDIN
PAISLEY-TONNESON, JACK McCARTHY, KEVIN
McCARTHY and JONATHAN MILLEN,

Venue is based on Defendants'
County of residence.

Defendants.

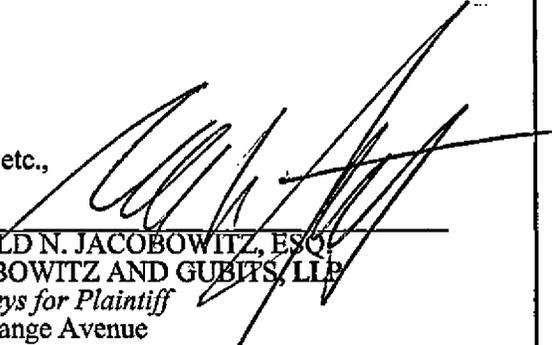
SUMMONS
-----X

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: Walden, New York
June 11, 2020

Yours, etc.,


GERALD N. JACOBOWITZ, ESQ.
JACOBOWITZ AND GUBITS, LLP
Attorneys for Plaintiff
158 Orange Avenue
P.O. Box 367
Walden, New York 12586
(845) 778-2121

TO: DAVID TONNESON, *Defendant*
35 Hemlock St., Fort Montgomery, NY 10922

DEBORAH TONNESON, *Defendant*
35 Hemlock St., Fort Montgomery, NY 10922

JAIDIN PAISLEY-TONNESON, *Defendant*
35 Hemlock St., Fort Montgomery, NY 10922

JACK McCARTHY, *Defendant*
55 Mearns Avenue
Highland Falls, New York 10928

KEVIN McCARTHY, *Defendant*
220 Old State Road
Highland Falls, New York 10928

JONATHAN MILLEN, *Defendant*
1229 Route 300
Newburgh New York 12560

T:\DOCS\8320\020\IOP1152.WPD

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
Canterbury Forest Corp.,

Plaintiff,

VERIFIED
COMPLAINT

-against-

Index No.

David Tonneson, Deborah Tonneson,
Jaidin Paisley-Tonneson, Jack McCarthy,
Kevin McCarthy and Jonathan Millen,

Defendants.

-----X
The Plaintiff, complaining of the defendants herein, by its attorneys, JACOBOWITZ
AND GUBITS, LLP, respectfully alleges upon information and belief as follows:

1. The plaintiff is a corporation formed pursuant to the laws of the State of New York.
2. The plaintiff is authorized to bring this action.
3. The plaintiff owns property, in the Town of Highlands, which is identified as Section, Block and Lot 20-2-6.
4. The defendants are residents of the State of New York.
5. The defendant, David Tonneson, is subject to the jurisdiction of this Court.
- 5A. The defendant, Deborah Tonneson, is subject to the jurisdiction of this Court.
- 5B. The defendant, Jaidin Paisley-Tonneson, is subject to the jurisdiction of this Court.
- 5C. The defendant, Jack McCarthy, is subject to the jurisdiction of this Court.
- 5D. The defendant, Kevin McCarthy, is subject to the jurisdiction of this Court.
- 5E. The defendant, Jonathan Millen, is subject to the jurisdiction of this Court.
6. David Tonneson, Deborah Tonneson, Jaidin Paisley-Tonneson [hereinafter the Tonneson defendants] own property located in Orange County on Poplar Street in the Town of Highlands which is identified as Section Block and Lot 11-1-1.52.

7. The property owned by the Tonneson defendants adjoins property owned by the plaintiff.

8. Jack McCarthy resides at 55 Mearns Ave., Highland Falls NY 10928 and Kevin McCarthy resides at 220 Old State Road, Highland Falls, NY 10928 [hereinafter the McCarthy defendants].

9. Jonathan Millen is a Professional New York State Licensed Land Surveyor.

10. On or about August 30, 2019, Mr. Millen prepared a Title Survey/Site Plan for the Tonneson property, identified as tax lot Section 11 Block 1 Lot 1.52 of the Town of Highlands tax map.

**FIRST CAUSE OF ACTION:
TRESPASS AS AGAINST ALL DEFENDANTS EXCEPT MILLEN**

11. Plaintiff repeats and realleges paragraphs 1 through 10 as if more fully set forth at length herein.

12. Upon information and belief, in or about December, 2019 and at various other times, the Tonneson defendants engaged the services of the McCarthy defendants to cut down and carry away certain timber and trees on the property owned by the plaintiff.

13. Upon information and belief, in or about December, 2019 and at various other times, the McCarthy defendants entered onto the property owned by the plaintiff to cut down and carry away certain timber and trees.

14. The trees and timber designated were located on property owned solely by the plaintiff.

15. Upon information and belief, the Tonneson defendants, their agents, servants or employees, acting without permission from the plaintiffs, unlawfully and wrongfully entered

plaintiff's real property and selected, cut down, removed and carried away or sold numerous of the valuable timbers and trees owned by plaintiffs.

16. The Tonneson defendants did so to their own benefit and to plaintiffs' damage in an amount which exceeds the jurisdictional minimum of this court.

17. Upon information and belief, the McCarthy defendants caused injury to plaintiffs' real property and thereafter removed and sold the timbers and trees and unjustly benefited therefrom.

18. Upon information and belief, the McCarthy defendants, their agents, servants or employees, acting without permission from the plaintiffs, unlawfully and wrongfully entered plaintiff's real property and selected, cut down, removed and carried away or sold numerous of the valuable timbers and trees owned by plaintiffs.

19. The McCarthy defendants did so to their own benefit and to plaintiffs' damage in the amount which exceeds the jurisdictional minimum of this court.

20. Upon information and belief, the McCarthy defendants caused injury to plaintiffs' real property and thereafter removed and sold the timbers and trees and unjustly benefited therefrom.

21. Defendants and each of them have despoiled and caused waste and damage to plaintiffs' property and have thus prevented the plaintiffs from properly using and enjoying the property in the future.

22. As a result, the plaintiff has suffered damages in the amount which exceeds the jurisdictional minimum of this court.

SECOND CAUSE OF ACTION:

RPAPL § 861 VIOLATIONS AGAINST ALL DEFENDANTS EXCEPT MILLEN

23. Plaintiff repeats and realleges paragraphs 1 through 22 as if more fully set forth at length herein.

24. Defendants, and each of them, unlawfully, recklessly and wantonly, and without plaintiffs' permission, entered upon the plaintiffs' property and cut, removed and damaged the timbers and trees on plaintiffs' property, causing plaintiffs to suffer damages in an amount which exceeds the jurisdictional minimum of this court.

25. By force of RPAPL § 861, the defendants, and each of them, became liable to the plaintiff for treble the amount of damages.

THIRD CAUSE OF ACTION:

CONVERSION AGAINST ALL DEFENDANTS EXCEPT MILLEN

26. Plaintiff repeats and realleges paragraphs 1 through 25 as if more fully set forth at length herein.

27. Defendants, and each of them, have wrongfully converted the timber and trees taken from plaintiffs' property and have damaged the property, causing plaintiffs to suffer damages in an amount which exceeds the jurisdictional minimum of this court.

FOURTH CAUSE OF ACTION: NEGLIGENCE AS AGAINST ALL DEFENDANTS

28. Plaintiff repeats and realleges paragraphs 1 through 27 as if more fully set forth at length herein.

29. Defendants acted negligently and recklessly in that they, among other things, made entry upon plaintiffs' real property, marked, girdled, cut down, damaged, removed, destroyed and carried away and sold numerous of plaintiffs' valuable timbers and trees.

30. Defendants damaged plaintiffs' property by logging thereon, clearing and making roads, skid and log trails thereon, leaving debris and the property subject to erosion and otherwise damaging, despoiling and wasting the natural condition of plaintiffs' real property.

31. The defendant Millen was negligent by, *inter alia*, drafting an improper survey, creating an easement where none existed, causing and expecting others to rely upon the survey all to the detriment and damage of the plaintiff.

32. As a result thereof, plaintiffs have suffered damages in an amount which exceeds the jurisdictional minimum of this court.

FIFTH CAUSE OF ACTION: SLANDER OF TITLE
AS AGAINST MILLEN AND THE TONNESON DEFENDANTS

33. Plaintiff repeats and realleges paragraphs 1 through 32 as if set forth more fully at length herein.

34. The survey identified above in paragraph 10 was in error.

35. The survey identified above was intentionally misleading.

36. The survey identified above was prepared so as to cast doubt on the validity of the title to the property owned by the plaintiff.

37. The survey identified above was prepared, and was reasonably calculated, to cause harm to the interests of the plaintiff in the property at issue.

38. The survey identified above was prepared, and was intended, to be relied upon by others all to the detriment and damage of the plaintiff.

39. The Tonneson defendants engaged the services of Millen as set forth in this cause of action.

40. The defendant Millen acted negligently in creating the survey and at the direction and control of the Tonneson defendants.

41. The defendant Millen acted intentionally in creating the survey.

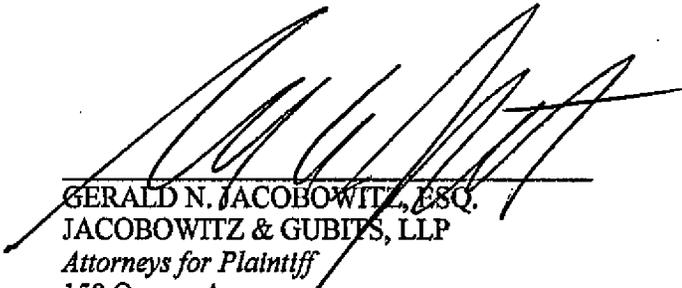
42. The defendant Millen intentionally acted at the direction and control of the Tonneson defendants.

43. The defendant Millen acted negligently in creating and drafting the survey at issue.

44. The acts and omissions of the defendant Millen resulted in compensatory and/or special damages in an amount which exceeds the jurisdictional minimum of this Court.

WHEREFORE, it is respectfully requested that the plaintiff be granted a judgment on each and every cause of action as set forth in the complaint, together with interests, costs, disbursements and attorney fees and for such other and further relief as to this court may seem just, proper and equitable.

Dated: June 11th, 2020



GERALD N. JACOBOWITZ, ESQ.
JACOBOWITZ & GUBITS, LLP
Attorneys for Plaintiff
158 Orange Avenue
P.O. Box 367
Walden, New York 12586
Tel. (845) 778-2121
Fax. (845) 778-5173

TO: DAVID TONNESON, *Defendant*
35 Hemlock St., Fort Montgomery, NY 10922

DEBORAH TONNESON, *Defendant*
35 Hemlock St., Fort Montgomery, NY 10922

JAIDIN PAISLEY-TONNESON, *Defendant*
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55 Mearns Avenue

Highland Falls, New York 10928

KEVIN McCARTHY, *Defendant*
220 Old State Road
Highland Falls, New York 10928

JONATHAN MILLEN, *Defendant*
1229 Route 300
Newburgh NY 12560

ATTORNEY VERIFICATION

STATE OF NEW YORK)
)
):SS:
COUNTY OF ORANGE)

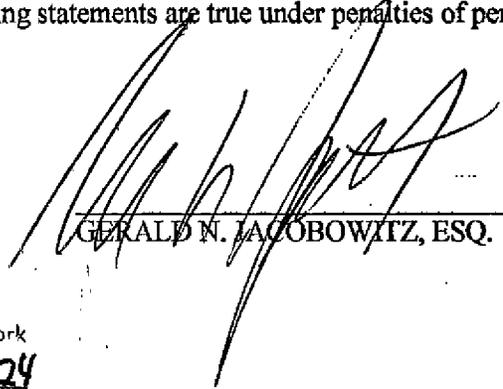
1. I, the undersigned, am an attorney admitted to practice in the courts of New York State. I have read the annexed Complaint, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

2. The reason this verification is made by your deponent and not by the plaintiff personally is that the plaintiff does not presently reside within the County where the deponent's office is located.

3. The grounds of my belief as to all matters stated upon my own knowledge are information provided by said plaintiff, review of the file, and facts of this case.

4. I affirm that the foregoing statements are true under penalties of perjury.

DATED: Walden, New York
June 11, 2020



GERALD N. JACOBOWITZ, ESQ.

HOWARD PROTTER #731994
NOTARY PUBLIC, State of New York
Qualified in Orange County
Commission Expires May 31, 2024

