

# State investigating camps near Catskills for alleged coronavirus violations

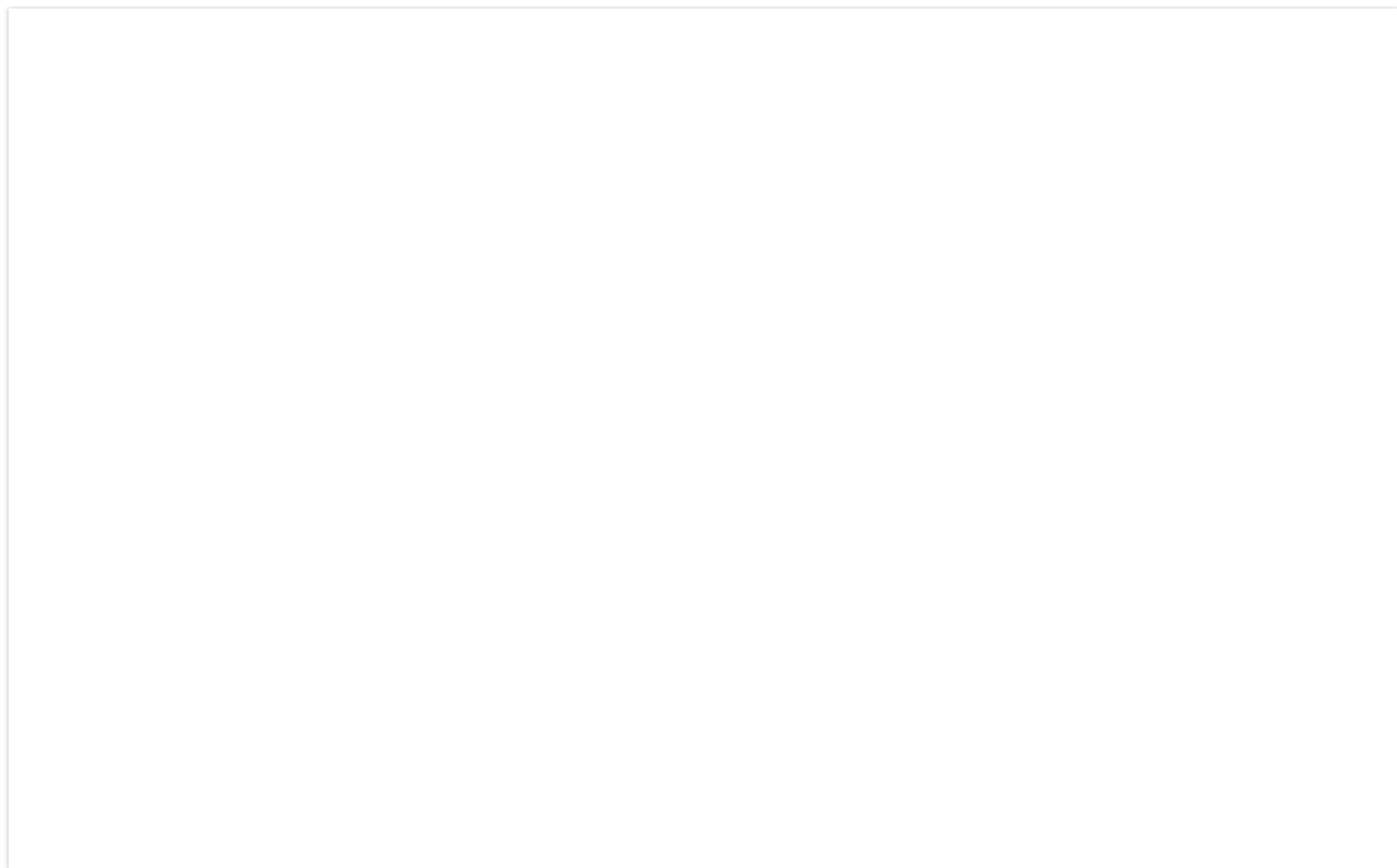
**Health Department steps into case where camps alleged to be violating COVID-19 regs**

By [Brendan J. Lyons](#) Updated 3:56 pm CDT, Tuesday, August 25, 2020

ALBANY — The state Department of Health is investigating the practices at multiple summers camps in Ulster County that local officials have asked a judge to shut down due to allegations they may be violating zoning laws and COVID-19 restrictions.

The camps, which are exclusive to Jewish children, have been operating as day-only facilities, although some residents who have followed the buses that transport the children to and from the sites said they are staying overnight at camps and residences in neighboring Sullivan County.

The state's intervention comes weeks after the town of Wawarsing filed a petition in state Supreme Court asserting that the facilities pose a health risk to the people at the camps and residents in that area.



"Even though it's late in the season, any help would be appreciated. ... Let's just hope the Health Department is serious about investigating," said John W. Bailey, an attorney for the town of Wawarsing.

"They certainly have not been in touch with my clients, and my clients could provide them with useful information."

Steven Barshov, a Manhattan attorney who represents several of the camp operators targeted by the town's litigation, said they are operating legally, following the COVID-19 regulations imposed by the state, and have not reported a single case of coronavirus infecting anyone at the camps.

"The Ulster County Department of Health issued permits; those permits remain in full force and effect," Barshov said. "I'm not aware of any Ulster County Department of Health action to revoke any of the permits for illegal operations. As best as I know, everybody is doing what they're supposed to do."

Previously: Jewish summer camps alleged to be operating outside COVID-19 rules

Jeffrey Kaplan, an Ellenville attorney whose firm also helps represent five of the camps, earlier this month said the town's enforcement efforts have wandered from one issue to another, including after it was made clear that children are not staying overnight at the camps. He also said there have been no COVID-19 cases reported at the camps.

He said the town's "sort of goal from the beginning was that, whether it was authorized by the state or not, they didn't want anyone in these camp properties. They're not doing overnight camps. (Town officials) are grasping for areas that really weren't part of the original allegations, and the camps are doing what they can to resolve any concerns or complaints being raised."

In the second week of August, police responded to a complaint at one of the largest day camps, Camp Rav Tov on Ulster Heights Road in Wawarsing, where Phillip S. Mattracion, the police chief in the nearby village of Ellenville, wrote a letter to Wawarsing town Supervisor Terry Houck describing the scene.

"Upon arrival I observed numerous school buses coming and going out of the entrance and dropping off hundreds of people to the camp," Mattracion wrote. "The people were walking together in large groups, they got off the buses which were filled to capacity, and no one had masks on, or were social distanced on those buses. At a time when the pandemic has taken hold of our society, and we have executive orders from the governor of this state, this camp put hundreds of lives at stake, and the safety of this community should the people venture out into the nearby areas."

Bailey, who represents the town in the litigation, said code enforcement officers were denied access to the camps earlier this summer and the town obtained a court order to gain entry. They found multiple

code-enforcement problems, he said, including inoperable smoke detectors, a cooking stove operating without an exhaust system and barricaded doors.

"It's clear from observations made by code enforcement officers and citizens that there are many hundreds of children being ferried around Ulster County jam-packed in buses without the proper distancing ... and there are mask-wearing issues," Bailey said.

On June 2, Gov. Andrew M. Cuomo announced that day camps could open on June 29, but only if they were following occupancy guidelines and implementing social distancing, hand-washing and the use of face coverings. However, the guidelines do not require children to wear masks, although they must be kept separated in groups of no more than 15 and counselors and other employees are required to wear masks.

Ten days after the governor's announcement, state Health Commissioner Howard Zucker issued a directive that overnight camps would be prohibited from opening this summer because of concerns about triggering an outbreak of coronavirus.

The town's efforts to shut down the camps were stymied when the operators obtained "temporary residence" permits from the Ulster County Department of Health. County officials said those permits enabled camp employees to stay at the facilities overnight.

"Following the governor's early June order allowing day camps to operate across New York state, the county health department — as did the state and other county health departments — processed and granted camp permits pursuant to that order while enabling staff members to reside on site during the season," said Carol Smith, the county's health commissioner. "Every day camp is expected to operate pursuant to all state guidelines prohibiting overnight camps, guidelines for protective measures against the spread of COVID-19, as well as any other state and local laws and rules they may be subject to."

In June, a group representing many of the camps — the Association of Jewish Camp Operators — filed a federal lawsuit in Albany challenging Cuomo's order shutting down overnight camps.

They alleged the governor's order violates their constitutional rights, including religious freedom, and noted that it was issued "without making any exceptions for Jewish overnight camps, notwithstanding that these overnight camps involve core religious exercise."

"The success of Jewish overnight camps is owed to their immersive experience that separates children from the outside world and envelops them in an enclosed, safe society," the federal complaint states.

"The need for Jewish overnight camps is particularly true this summer, after several months of

shutdowns of the yeshiva schools, to provide for the structured Jewish learning and living offered by the Jewish overnight camps."

The federal lawsuit is pending, but on July 6 U.S. District Court Judge Glenn T. Suddaby issued an order denying the camps' request for an injunction overturning Cuomo's order.