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SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF ORANGE

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TOWN OF WOODBURY and the TOWN OF
WOODBURY TOWN BOARD,

Plaintiffs,

-against-

Index No.
EF006036-2018

VILLAGE OF WOODBURY, VILLAGE OF WOODBURY
BOARD OF TRUSTEES and ORANGE COUNTY,

Defendants.

-----x

EXAMINATION BEFORE TRIAL of the Defendant,
VILLAGE OF WOODBURY BOARD OF TRUSTEES, by and through
NEIL I. CROUSE, held on June 26th, 2019, at 11:32
a. m., at the offices of Catania, Mahon, Milligram
& Rider, PLLC, One Corwin Court, Newburgh, New York,
pursuant to Court Order, before a Notary Public of
the State of New York.

KIM A. ZGRODEK
PROFESSIONAL COURT REPORTER
PO BOX 600, MARLBORO, NEW YORK 12542
845-642-8633

1 A P P E A R A N C E S:

2

3 CATANIA, MAHON, MILLIGRAM & RIDER, PLLC
4 Attorneys for Plaintiffs
5 One Corwin Court
6 PO Box 1479
7 Newburgh, New York 12551
8 (845)565-1100
9 By: RICHARD M. MAHON, II, ESQ.,
10 of Counsel.

11

12 BURKE, MIELE, GOLDEN & NAUGHTON, LLP
13 Attorneys for Defendants
14 Village of Woodbury and
15 Village of Woodbury Board
16 of Trustees.
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22 By: RICHARD B. GOLDEN, ESQ.,
23 of Counsel.

24

25 ORANGE COUNTY ATTORNEY'S OFFICE
26 Attorney for Defendant
27 Orange County.
28 255-275 Main Street
29 Goshen, New York 10924
30 (845)291-3150
31 (No appearance)

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by
and between the parties hereto, through their
respective counsel, that sealing, certification
and filing shall be waived;

It is further stipulated and agreed that
all objections except as to the form of the
question and responsiveness of the answer shall
be reserved to the time of trial;

It is further stipulated and agreed that the
transcript of testimony may be signed before any
notary public or other officer authorized to
administer oaths;

It is further stipulated and agreed that the
examining party will furnish the examined party
with a copy of the transcript of testimony free
of charge.

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NEIL I. CROUSE,

having been first duly sworn by the notary public,
was examined and testified as follows:

BY MR. MAHON:

Q Would you state your name for the record, please?

A Neil I. Crouse.

Q Good morning, Mr. Crouse. My name is Richard Mahon. I represent the Town of Woodbury and the town board members in this litigation.

I'm going to be asking you questions about this land swap transaction that's set forth in the pleadings in the case. Throughout your deposition I'm going to be showing you exhibits and I'm going to be asking questions about minutes that may have been generated by the village board or the town board.

If I ask you a question you don't understand, let me know and I'd be happy to rephrase the question. I would also ask you to keep all of your responses verbal. There's always the temptation to nod your head or shake your head and we have to have a full record.

Okay?

A Yup.

1 Q Okay. Before coming here today to get ready for
2 your deposition did you look at any papers in
3 preparation?

4 A No.

5 Q Did you speak to anybody aside from your attorney
6 in preparation for your deposition?

7 A No.

8 Q Are you currently employed, sir?

9 A No. I'm retired.

10 Q And are you currently serving on the village
11 board?

12 A No.

13 Q Was there a time when you did serve on the village
14 board?

15 A Yes.

16 Q And when was that?

17 A I served on the village board from 2006 to 2018.

18 Q So you were there for twelve years?

19 A I was there for twelve years.

20 Q And your term of service ended -- that was a
21 continuous term of service, is that correct?

22 A Yes.

23 Q Did you ever serve as the village board
24 chairperson?

1 A No.

2 Q Did you have occasion to read the pleadings in
3 this case? By pleadings I mean the Complaint, the
4 Answer, those documents?

5 A No.

6 Q I'm going to show you what's been marked
7 previously, we've had about nine or ten, actually
8 I think ten depositions now and we've marked some
9 exhibits previously.

10 This has been marked as Plaintiff's Exhibit
11 6. Would you take a moment and look at it and
12 then I'm going to ask you questions about it?

13 A I'm glad I brought my glasses.

14 Q Do you see at the top of Plaintiff's Exhibit 6 it
15 says Minutes of the Village Board Meeting held on
16 July 27th, 2017. Do you see that?

17 A Yes.

18 Q And on the first page there it indicates those who
19 were present and I see that your name is there?

20 A Correct.

21 Q Do you recall being present for that board
22 meeting?

23 A Yes.

24 Q And I'm going to refer you to the bottom of page

1 two in that exhibit. Do you see at the bottom of
2 page two there's an agenda item under II, Old
3 Business, letter B, it says authorize mayor to
4 sign land exchange with the Town of Woodbury.

5 Do you see that?

6 A Yes, I do.

7 Q Turn over to the next page and I'm going to read a
8 portion there, there was a motion, and then I'm
9 going to ask you questions about it. It says,
10 Motion was then offered by Trustee Egan, seconded
11 by Trustee Crouse, you, to authorize the mayor to
12 sign any and all documents relating to a property
13 exchange with the Town of Woodbury as follows:
14 Upon final preparation, review and authorization
15 by counsel.

16 Do you see that?

17 A Yes.

18 Q Did you have an understanding of what you were
19 approving at that time?

20 A Yes.

21 Q What was your understanding?

22 A My understanding was that we were swapping land
23 with the Town of Woodbury. The Town of Woodbury
24 was giving -- transferring to us approximately six

1 acres that surrounded the salt shed area, the
2 highway garage and bordering I think on Hickory
3 Street and there was approximately six acres of
4 land there. And what we were doing, we were
5 transferring over a hundred acres of land up at
6 the reservoir which is a recreation area and that
7 property included the road I believe going into
8 the reservoir, the pavilion area, the animal
9 shelter and what was in that area of the reservoir
10 and that was over -- I believe that was over 110
11 acres. So we were giving them 110 acres because
12 they had the parks and we were getting
13 approximately six acres around the highway which
14 was a village department.

15 Q Okay. The highway garage?

16 A I think the salt shed and stuff, yeah.

17 Q And before this vote was taken how did you learn
18 all that information?

19 A I had a brief conversation with the mayor.

20 Q The mayor being Michael Queenan?

21 A Yes.

22 Q And he explained the land swap to you?

23 A Yeah. Briefly. I -- yes.

24 Q Did he ever show you any survey maps that would

1 depict what land was going to which party?

2 A I don't believe I saw any maps.

3 Q So what you know is based on a conversation you
4 had with Mayor Queenan?

5 A Yeah.

6 Q That's correct?

7 A Correct.

8 Q And look at that same motion, I stopped reading
9 where it said final preparation, review and
10 authorization by counsel. Do you see that?

11 A (No response).

12 Q That's the end of the motion and before where it
13 says from the town?

14 A Okay. Yes.

15 Q It says upon final preparation, review and
16 authorization by counsel?

17 A Uh-huh.

18 Q Did you have an understanding of what that meant
19 when you voted on it?

20 A Well, after everything had been reviewed and
21 approved by counsel then that would take effect.

22 Q Which counsel? Did you have an understanding of
23 which counsel was referred to there?

24 A Well, I would -- I assumed it would be our counsel

1 for the village.

2 Q Who was your counsel at that time?

3 A I think Rick Golden was.

4 Q After this meeting on July 27th, 2017 did you
5 learn from one of the village board members that
6 that preparation, review and authorization by
7 counsel had actually taken place?

8 A No.

9 Q And after this vote did you actually see any deeds
10 or maps relating to this transfer of land?

11 A No.

12 Q Did Mayor Queenan talk to you again about this
13 land swap after this meeting in July of 2017?

14 A No.

15 Q Do you see going down further after what I just
16 read it says from the town to the village, section
17 219, block 5, lot 21 and a portion of lot 20 and
18 then it says in parentheses highway garage and
19 salt shed.

20 Do you see that?

21 A Yes.

22 Q It says a portion of lot 20. When you voted on
23 this did you have an understanding of what that
24 meant? Which portion of lot 20?

1 A The only thing I understood was the area around
2 the salt shed and the area around the garage
3 bordering I believe on Hickory Street.

4 Q But aside from that you never saw that physically
5 depicted on a survey map before you voted for it?

6 MR. GOLDEN: Objection to the form of
7 the question but you can answer it if you
8 understand it.

9 Q Do you understand what I'm saying?

10 A Yeah. I don't believe I ever saw a map on it.

11 Q Do you know who Maria Hunter is?

12 A Yes.

13 Q And who is she?

14 A She's a friend.

15 Q Did she also hold an office in the Village of
16 Woodbury?

17 A She held an appointed office in Woodbury, Village
18 of Woodbury, yes.

19 Q And what office was that?

20 A Chairman of the planning board.

21 Q Before coming here today did you speak to Maria
22 about this transaction?

23 A No.

24 Q When the transaction occurred back in 2017 did you

1 speak to her then either before or after this
2 vote?

3 MR. GOLDEN: Objection to the form of
4 the question but you can answer it if you
5 understand it.

6 A No.

7 Q So you have never discussed the land swap at any
8 time with Maria Hunter, is that fair to say?

9 A Yes.

10 Q Is Maria Hunter still serving on the planning
11 board for the Village of Woodbury?

12 A No.

13 Q Do you know why?

14 A No.

15 Q Did you ever vote on her appointment as the
16 chairperson to the village planning board?

17 A Yes.

18 Q When was the last time you voted on that issue?

19 A I believe she held a five-year position and that
20 was the last time she was appointed.

21 Q But she wasn't reappointed again, is that correct?

22 A I don't believe so. I mean I know she wasn't.

23 Q Well, when did her term expire then?

24 A I believe the end of May this year.

1 Q And at that point in time did the board consider
2 her appointment for a further term?

3 A I have been off the board since January 1 or
4 December 31st. I haven't served on the board at
5 all this year so I have no knowledge of the
6 board's decision or any involvement at all in the
7 board's decision as to whether she was reappointed
8 or not.

9 Q Okay. Fair enough. I'm going to show you what's
10 been marked as Plaintiff's Exhibit 1 which
11 purports to be a survey map stamped by Steven
12 Green. Tell me if you recognize what is shown in
13 there in Plaintiff's Exhibit 1.

14 MR. GOLDEN: Objection to the form of
15 the question. If you understand it you
16 can answer it.

17 A What's depicted?

18 Q Yes.

19 A Well, I see the library is here so I would assume
20 this is 105, County Route 105. This is the
21 library and senior center. (Indicating). I would
22 have to assume from the orientation up in this
23 area here is the highway garage and this is the
24 salt shed. (Indicating).

1 Q That's correct. My question to you is before this
2 litigation started had you seen a copy of this
3 survey map?

4 A No. I don't believe so.

5 Q Before you voted on this land swap on July 27th,
6 2017 did you have occasion to walk the property?

7 A No.

8 Q I'm going to show you Plaintiff's Exhibit 3 and
9 Plaintiff's Exhibit 5 which from prior testimony
10 purport to be deeds related to this matter.

11 Please tell me if you have seen these
12 documents before.

13 A I can tell you no.

14 Q After you voted on July 27th, 2017 to authorize
15 this transfer did you ever inquire to find out if
16 the transfer had gone through and the deeds had
17 been recorded?

18 A No.

19 MR. MAHON: I have nothing further.

20 Thank you, Mr. Crouse.

21 MR. GOLDEN: That's it.

22 (Whereupon, the examination of
23 Neil I. Crouse was concluded.)

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I N D E X

EXAMINATION BY:

PAGE:

Mr. Mahon

4

EXHIBITS MARKED FOR ID:

(None)

INFORMATION TO BE SUPPLIED/FILLED IN:

(None)

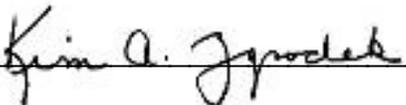
QUESTIONS MARKED FOR RULINGS:

(None)

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C E R T I F I C A T I O N

I, Kim A. Zgrodek, a Shorthand Reporter and Notary Public of the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.



Kim A. Zgrodek

<p>BY MR. MAHON: [1] 4/4 MR. GOLDEN: [4] 11/6 12/3 13/14 14/21 MR. MAHON: [1] 14/19</p>	<p>C Catania [2] 1/16 2/3 Chairman [1] 11/20 chairperson [2] 5/24 12/16 Corwin [2] 1/17 2/4 CROUSE [8]</p>	<p>Mr. Crouse [2] 4/7 14/20</p>
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<p>4 4080 [1] 2/13</p>	<p>G garage [5] generated [1] 4/15 glad [1] 6/13 GOLDEN [3] 2/8 2/13 10/3 Goshen [2] 2/12 2/18 Green [1] 13/12</p>	<p>Q Queenan [3] 8/20 9/4 10/12</p>
<p>5 565-1100 [1] 2/5</p>	<p>H Hickory [2] 8/2 11/3 highway [5] hundred [1] 8/5 Hunter [3] 11/11 12/8 12/10</p>	<p>R reappointed [2] 12/21 13/7 recreation [1] 8/6 reservoir [3] 8/6 8/8 8/9 responsiveness [1] 3/11 retired [1] 5/9 review [4] 7/14 9/9 9/15 10/6 reviewed [1] 9/20 RICHARD [3] 2/6 2/13 4/7 Rick [1] 10/3 Rider [2] 1/17 2/3 RULINGS [1] 16/18</p>
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TRUSTEES [3] 1/8 1/14 2/10

V

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vote [4] 8/17 10/9 12/2 12/15

voted [6]

W

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