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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
TIMOTHY P. EGAN, held on June 26th, 2019, at 12:12
p. 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.
17 40 Matthews Street
18 Suite 209
19 P. O. Box 216
20 Goshen, New York 10924
21 (845)294-4080
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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TIMOTHY P. EGAN,

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 Timothy P. Egan.

Q Good morning, Mr. Egan. My name is Richard Mahon. I'm an attorney who represents the Town of Woodbury and the Town Board. I'm going to be asking you questions about this litigation and I'm going to be showing you some documents.

If I ask you a question you don't understand, please let me know and I'll rephrase the question. I would also ask that all of your responses be verbal as opposed to shaking your head or nodding your head. That happens all the time at depositions. Okay?

A Yes, sir.

Q Before coming here today did you look at any documents to prepare for your deposition?

A I looked at minutes of the village board meeting of July 27th, 2017.

Q Right. And I'm going to show you that as well. Anything else besides that?

1 A I looked at minutes of the village board meeting
2 from August 10th of that same year but I didn't
3 see anything there.

4 Q Did you speak to anybody aside from your attorney
5 about your testimony here today?

6 A No.

7 Q Did you speak to Mayor Queenan about your
8 deposition?

9 A Other than the fact that we were doing our
10 depositions, no.

11 Q Okay. I'm going to show you what's been marked --
12 we've had like eleven or twelve depositions now
13 and we've been marking some exhibits. I'm going
14 to show you what's been marked as Plaintiff's
15 Exhibit 6. Would you take a moment and please
16 look at that?

17 A Sure. Okay.

18 Q Do you recognize that document?

19 A Yes, I do.

20 Q What do you recognize that to be?

21 A This looks as if it's the village board minutes
22 from July 27th, 2017.

23 Q Okay. And if you look on the first page there it
24 lists those who were present and I see Timothy

1 Egan was present. Do you recall being present at
2 that meeting?

3 A I do.

4 Q I'm going to refer you now to page two, the very
5 bottom looking at Plaintiff's Exhibit 6 and you
6 see that there's an agenda item under Old Business
7 at the bottom of the page, authorize mayor to
8 sign-land exchange with Town of Woodbury.

9 Do you see that?

10 A I do.

11 Q And it carries over on the top of page three. I'm
12 going to read a portion and then I'm going to ask
13 you a question about it. Okay?

14 A Yes, sir.

15 Q It says motion then was offered by Trustee Egan,
16 you, seconded by Trustee Crouse to authorize the
17 mayor to sign any and all documents relating to a
18 property exchange with the Town of Woodbury as
19 follows. And then it says upon final preparation,
20 review and authorization by counsel.

21 Do you see that?

22 A I do.

23 Q And I'll read the rest in just a few minutes. At
24 the time that you made that motion and the board

1 voted on it did you have an understanding of what
2 it meant upon final preparation, review and
3 authorization by counsel?

4 A Yes.

5 Q What was your understanding?

6 A That -- just that. That upon final preparation,
7 review and authorization by our counsel he would
8 sign the documents.

9 Q In July of 2017 did your village board have an
10 attorney?

11 A Did we have an attorney?

12 Q Yes. Who was your counsel?

13 A The gentleman sitting to the left of me, I
14 believe.

15 Q And after this meeting on July 27th, 2017 did you
16 learn from any other board members that that event
17 had actually taken place, that there was a review,
18 preparation and authorization by counsel?

19 A I don't recall that.

20 Q No one told you that?

21 A I don't recall.

22 Q And did you understand that there would be a
23 preparation of documents?

24 A Did I understand the motion that was made?

1 Q No. What I'm asking is that part of the motion is
2 the language I just read to you. Final
3 preparation, review and authorization by counsel.
4 Did you understand that the words final
5 preparation means that there were documents that
6 were going to be prepared?

7 A Yes.

8 Q Did you see those documents?

9 A I did not.

10 Q Did you actually learn that they had been
11 prepared?

12 A I did not.

13 Q Did you ask about those documents?

14 A I did not.

15 Q Before making the motion did you see any survey
16 maps that showed or that reflected the properties
17 that would be conveyed?

18 A I don't believe so.

19 Q Before making the motion did you have occasion to
20 walk the property to understand what is being
21 conveyed?

22 A Not in relation to the motion but I've been to
23 both properties.

24 Q Okay. Take a look -- I stopped reading where it

1 says -- and again we're looking at Plaintiff's
2 Exhibit 6, I stopped reading where it says upon
3 final preparation, review and authorization by
4 counsel. The motion continues. From the town to
5 the village. Section 219, block 5, lot 21 and a
6 portion of lot 20 (highway garage and salt shed).
7 Do you see that?

8 A I do.

9 Q When that motion was made did you understand which
10 portion of lot 20 was being referred to?

11 A Without looking at a map, no.

12 Q Well, there was a reference there to the highway
13 garage and the salt shed. Did you know how much
14 land in addition to that, if any, was being
15 conveyed?

16 A I didn't know the exact amount of land, no.

17 Q Before that meeting were you ever informed of that
18 amount of land by anybody?

19 A I can't say for sure.

20 Q Let me show you two maps. Please take a moment
21 and look at Plaintiff's Exhibit 1. I'm going to
22 show you a larger version of that, too. This is
23 Plaintiff's Exhibit 8. My first question is
24 before coming here today have you seen these

1 documents before?

2 A I believe I've seen this map before, yes.

3 (Indicating).

4 Q You're referring to Plaintiff's Exhibit 8?

5 A Yes, sir.

6 Q When did you see it for the first time?

7 A There was a meeting, I don't know the date, but
8 there was a meeting between myself, Mayor Queenan,
9 Councilman Arone and Councilman Essig as well as
10 our highway superintendent Rob Weyant to discuss a
11 potential settlement of this suit.

12 Q Oh, okay.

13 A I believe that was the first time that I saw this
14 exact map.

15 Q But that was in the year 2019, is that correct?

16 A I believe so, yes.

17 Q And before that meeting had you seen a copy of the
18 map previously?

19 A It's possible but I can't recall for sure if I've
20 seen this exact map.

21 Q Okay. Let me ask the question this way and I may
22 have said it before. If I did forgive me. Before
23 the meeting on July 27th, 2017 had you seen any
24 map that showed the property to be conveyed?

1 A I don't know. I can't recall that.

2 Q After you voted on July 27th, 2017 on this
3 conveyance did you make any inquiries to find out
4 if the conveyance actually went through?

5 A Not that I recall, no.

6 Q Did you see any deeds or transfer documents or
7 even surveys after you voted on the conveyance?

8 A No.

9 Q I'm going to show you Plaintiff's Exhibit 3 and
10 Plaintiff's Exhibit 5. Please tell me if you've
11 seen either document before.

12 A I have not.

13 Q Did you know that David Sutz was signing a deed
14 for the conveyance from the town to the village?

15 A No.

16 Q Looking at Plaintiff's Exhibit 8 you see in the
17 middle of the exhibit there is a line with Zs
18 through it and it says lot line to be deleted. Do
19 you see that?

20 A I do.

21 Q And it shows all the portion of land around the
22 salt shed and salt barn that would be part of the
23 lot 20, do you see that? (Indicating).

24 A I see the line you're pointing to. I don't know

1 what it designates.

2 Q Did you ever discuss with Mayor Queenan or with
3 any other village board member where the lines
4 would be drawn around the garage and the salt barn
5 to be conveyed to the village?

6 A No.

7 Q I think you have Plaintiff's Exhibit 6. Do you
8 still have that there?

9 A I do not. This is 1. Oh, 6 is here. Okay. I
10 have it.

11 Q My question is this. We're still looking at page
12 two at the top of the page.

13 A Uh-huh.

14 Q After this motion was made and then voted upon did
15 you have any understanding of what would happen
16 next after this motion was made and voted upon?

17 A You said at top of page two. I think you might
18 have meant the top of page three?

19 Q You're right.

20 A Okay.

21 Q I'm sorry. The top of page three.

22 A I want to make sure we're talking about the same
23 thing.

24 Q You're really paying attention. That's good. So

1 at the top of page three, after the motion was
2 made by you, seconded by Trustee Crouse and then
3 it was voted upon, did you have any understanding
4 of what would happen next after this?

5 A My understanding was after the motion was passed
6 the transaction would be completed.

7 Q Well, did you expect to see the documents that
8 were being prepared before they were recorded?

9 A No.

10 Q Well, where it says there a portion of lot 20, it
11 doesn't specify metes and bounds to identify that
12 portion, is that correct?

13 A That is correct.

14 Q Did you expect to see some type of a survey that
15 would show what the village was getting?

16 A No.

17 MR. MAHON: Okay. I have no further
18 questions. Thank you.

19 (Whereupon, the examination of
20 Timothy P. Egan was concluded.)

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I N D E X

EXAMINATION BY:

PAGE:

Mr. Mahon

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EXHIBITS MARKED FOR ID:

(None)

INFORMATION TO BE SUPPLIED/FILLED IN:

(None)

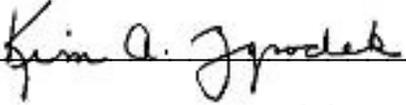
QUESTIONS MARKED FOR RULINGS:

(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. MAHON: [1] 13/17</p>	<p>D David [1] 11/13 deed [1] 11/13 deeds [1] 11/6 deleted [1] 11/18 depositions [3] 4/17 5/10 5/12 designates [1] 12/1 drawn [1] 12/4</p>	<p>P p. [1] 1/16 p. m [1] 1/16 PLLC [2] 1/17 2/3 PO [2] 1/23 2/4 potential [1] 10/11 preparation [8] PROFESSIONAL [1] 1/23 properties [2] 8/16 8/23 property [3] 6/18 8/20 10/24 public [5]</p>
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<p>3 3150 [1] 2/18</p>	<p>H highway [3] 9/6 9/12 10/10</p>	<p>S</p>
<p>4 4080 [1] 2/13</p>	<p>I identify [1] 13/11 II [1] 2/6 INFORMATION [1] 15/13 informed [1] 9/17 inquiries [1] 11/3 item [1] 6/6</p>	<p>salt [5] seconded [2] 6/16 13/2 settlement [1] 10/11 shaking [1] 4/15 shed [3] 9/6 9/13 11/22 sign-land [1] 6/8 superintendent [1] 10/10 SUPPLIED [1] 15/13 SUPPLIED/FILLED [1] 15/13 survey [2] 8/15 13/14 surveys [1] 11/7 Sutz [1] 11/13</p>
<p>5 565-1100 [1] 2/5</p>	<p>J July [6] June [1] 1/15</p>	<p>T</p>
<p>6 600 [1] 1/23</p>	<p>L land [5] language [1] 8/2 larger [1] 9/22 LLP [1] 2/8</p>	<p>TIMOTHY [6] transaction [1] 13/6 transfer [1] 11/6 true [1] 14/9 Trustee [3] 6/15 6/16 13/2 TRUSTEES [3] 1/8 1/14 2/10</p>
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<p>A acknowledge [1] 14/8 addition [1] 9/14 agenda [1] 6/6 Arone [1] 10/9 aside [1] 5/4 ATTORNEY'S [1] 2/16 authorization [6] authorize [2] 6/7 6/16</p>	<p>N NAUGHTON [1] 2/8 Newburgh [2] 1/17 2/5 nodding [1] 4/15</p>	<p>W walk [1] 8/20 Weyant [1] 10/10 WOODBURY [10]</p>
<p>B barn [2] 11/22 12/4 block [1] 9/5 board [12] bounds [1] 13/11 BOX [3] 1/23 2/4 2/12 BURKE [1] 2/8</p>	<p>O offered [1] 6/15 officer [1] 3/15 ORANGE [4] 1/2 1/8 2/16 2/17</p>	<p>Z Zs [1] 11/17</p>
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