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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.

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EXAMINATION BEFORE TRIAL of the Plaintiff,
TOWN OF WOODBURY TOWN BOARD, by and through
MICHAEL L. ESSIG, held on June 26th, 2019, at 10:20
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
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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.

+ + +

1 Q Can you turn to the section in those meetings that
2 discussed the land exchange between the town and
3 the village. Do you see that?

4 A Yes.

5 Q And there's a motion that starts at the bottom of
6 that first page and goes over to the second page.
7 Do you see that?

8 A Yes.

9 Q What was your understanding of what was being
10 transferred and what was being authorized?

11 A That we were agreeing to exchange the property,
12 the land, in regards to the above motion as long
13 as all final preparations were reviewed and
14 authorized by counsel is actually what the motion
15 states.

16 Q And what was the land that was going to be
17 transferred?

18 A The highway garage.

19 Q Anything else?

20 A No.

21 Q And what was going to be in return for the highway
22 garage?

23 A The property at the reservoir.

24 Q And the property at the reservoir, was it your

1 understanding that that was parkland?

2 A Parkland?

3 Q Yes.

4 A Not buildable.

5 Q Okay. But did you know whether or not that land
6 was designated as parkland?

7 A No.

8 Q No, you don't know or no, it wasn't?

9 A No, I don't recall.

10 Q Did you anticipate that there was a requirement
11 that before this transfer would happen that in
12 addition to the review of the final documents as
13 you mentioned that it also needed to get the
14 approval of the state legislature?

15 A Yes. I was under that impression, yes.

16 Q Why would it need to get the approval of the state
17 legislature?

18 A That's what we were told.

19 Q Who told you that?

20 A When we brought this -- when it was brought back
21 to us in the spring of '18.

22 Q I'll talk about that in a second but on July 20th
23 of 2017 was it your understanding that this
24 transaction needed to be authorized by the State

1 of New York?

2 A Not that I'm aware of.

3 Q And this new knowledge of that it had to be
4 approved by the State of New York, you said that
5 occurred in 2018?

6 A (Indicating). Yes.

7 Q I'm sorry. I failed to give you instructions
8 that -- let me give you those now. The
9 stenographer cannot take down shakes of the head
10 or anything like that.

11 A That's fine.

12 Q Anything non verbal.

13 A I respect that.

14 Q So just make sure that all of your responses are
15 verbal. Okay?

16 A Yes.

17 Q And also if you do not understand a question that
18 I've asked you, you can tell me that and I will
19 rephrase the question because I want to make sure
20 that you understand every question that I ask you.
21 Okay?

22 A I understand that.

23 Q And if you haven't heard the question fully for
24 one reason or another, please feel free to always

1 ask for the question to be repeated either by the
2 stenographer or by me. Do you understand that?

3 A Yes, I do.

4 Q Okay. So in 2018 you said that now you came to an
5 understanding that the transaction would have
6 needed to have been approved by the State of New
7 York. Did you find that out from any town board
8 member?

9 A At our executive session meeting in April of 2018.

10 Q Did a town board member tell you that?

11 A At our executive session, yes.

12 Q Okay. Which town board member told you that?

13 A I don't recall which but I recall it was at the
14 meeting that we had discussed and that's when this
15 all came out. (Indicating).

16 Q Was an attorney present at that executive session?

17 A I want to say yes but I can't be a hundred percent
18 sure.

19 Q When did you first learn that this transaction had
20 actually taken place and the deeds were filed?

21 A At that executive board meeting.

22 Q Do you recall when that was?

23 A April of 2018.

24 Q April. I'm going to show you what is marked as

1 Exhibit A --

2 A Uh-huh.

3 Q -- which was the complaint that the town board
4 against the village. Can you look at paragraph 40
5 there for me, please? Just read it to yourself.

6 Have you read it?

7 A Yes.

8 Q What efforts to your knowledge were taken to keep
9 the town attorney out of the land swap process to
10 your knowledge?

11 A To keep the town attorney out? I mean I'll be
12 honest with you, the -- we -- Joe McKay is our
13 town attorney. There were months I didn't see him
14 at a town meeting and I inquired to a couple other
15 board members where our attorneys are and the
16 answer was nobody knew but in regards to this
17 question could you ask me it again because I'm a
18 little confused.

19 Q Okay. Let me follow up on the answer that you
20 just gave. When you said that there were months
21 in which the town attorney was not present at your
22 town board meetings, when did that start
23 occurring?

24 A Sometime in '17.

1 Q 2017. Do you recall the month?

2 A No. I do not.

3 Q So in 2016 was he at each meeting?

4 A Yeah. Most meetings, yes.

5 Q But not every meeting?

6 A Not that I recall.

7 Q In 2018 does he show up at every meeting?

8 A Yes.

9 Q Okay. My question now back to paragraph 40, it
10 says that there were efforts taken. Do you see
11 that?

12 A Uh-huh.

13 Q And what I'm asking you is to define that,
14 identify for me what efforts were taken to keep
15 the town board and the town attorney out of the
16 process of this land swap.

17 A Well, I never saw the survey. We were promised a
18 packet on the motion. We never received the
19 packet in regards to what this land was.

20 Q When were you promised that packet?

21 A It's in one of our minutes. As a matter of fact
22 it could be Exhibit 7. If you give me a moment I
23 may read it.

24 Q Please.

1 A If not it would be prior to this Exhibit 7.

2 MR. MAHON: I think it's Exhibit C
3 he's referring to.

4 MR. GOLDEN: Well, I just want him to
5 be assured that it wasn't in that -- if
6 you want to read that --

7 MR. MAHON: That's fine. I thought
8 you were looking for it, Rick.

9 MR. GOLDEN: I am.

10 A No. It's not in this one.

11 BY MR. GOLDEN:

12 Q Okay. I'm going to show you what has been marked
13 as Exhibit C and see if that's the meeting minutes
14 that you were referring to.

15 A Here it is. Supervisor Sutz noted he would --
16 invited the village board member to attend a
17 meeting once he puts together a packet for both
18 boards with visual in both properties -- of both
19 properties.

20 Q And your testimony is you never received that?

21 A No. I never received this.

22 Q You never received that either electronically or
23 in packets in your box at town hall?

24 A No. I have not.

1 Q And what date was that promise?

2 A This is March 2nd of 2017.

3 Q And then in July you made the motion to authorize
4 the supervisor to sign any and all documents,
5 correct?

6 A Correct.

7 Q And it said upon final review by an attorney, by
8 counsel I believe it says?

9 A Correct.

10 Q Does it mention anything in there about packets?

11 A No. But we always believed that our fiduciary
12 responsibility is to review everything moving
13 forward and it's always been reviewed by counsel.
14 We've never done anything. We trust him -- we
15 trust what the supervisor will do to bring back to
16 us. We have one vote, he has one vote. As a
17 group we acknowledge that you do your job, we do
18 our job. Counsel then -- in the past it's always
19 been and since I've been on the board we've done
20 this, when you approve a motion and it has
21 something to do and counsel has to review it, a
22 memo would come back from counsel of a yea, nay or
23 there would be some kind of reasoning what he
24 feels, that's why we have legal counsel, to make

1 sure we do things ethically and morally properly
2 by the residents and we've always done it prior
3 and for this and moving forward. That's what we
4 were under the impression this was. I know I was.

5 Q My question was with respect to the packets.

6 A I've received -- I have not received any packets
7 that you speak of.

8 Q I understand that. But my question to you is that
9 you say that you were promised a packet and then
10 later you took a vote without that packet to
11 authorize the supervisor to sign except for review
12 of the final documents by the counsel, by some
13 counsel anyway. So where is the packet? Why
14 wasn't it conditioned upon you getting a packet or
15 why did you take a vote without having the packet?

16 A Because we believed that if there was an issue
17 counsel would have brought it to our attention.

18 Q So counsel was going to look at the packet, not
19 you?

20 A No. If there was -- if there would be a packet
21 available, we would have received it. The packet
22 never became available --

23 Q But you still --

24 A -- but we believed --

1 Q I'm sorry.

2 A Of course I believed that we could move forward.

3 Q But if you didn't have the packet why did you
4 think you could move forward?

5 A Because we have trust in everybody. We're a
6 board. We have a responsibility and fiduciary
7 responsibility to our residents in the community.
8 We don't believe anybody would want to do anything
9 that would be disparaging.

10 Q All right. I'm trying to ask a very simple
11 question.

12 A And I thought I was answering it.

13 Q I know. And I'm going to phrase it a different
14 way.

15 A Okay.

16 Q Because I don't think that you understood my
17 question.

18 A Maybe I don't.

19 Q You were promised a packet of documents for you to
20 review prior to approving this authorization. You
21 said that was your understanding, correct?

22 A In the minutes, yes.

23 Q You never received that packet you say?

24 A Not one member that I know of received a packet

1 that I recall because I don't recall getting it.

2 Q I'm just asking you about you.

3 A I never received it.

4 Q Okay. Yet you voted to authorize the supervisor

5 to sign any and all documents on a transfer

6 subject to counsel looking at the final documents?

7 A And bringing back a memo that basically -- maybe

8 not to look any further into this because a lot of

9 things we're reading today but you would not move

10 forward passed counsel being -- because counsel

11 usually would bring back everything because the

12 town supervisor basically would indemnify -- or

13 not indemnify, that's the wrong terminology, would

14 identify, give us proper documents to read.

15 That's how it works.

16 Q Okay. Let me give you this hypothetical. After

17 saying that you were going to get a packet,

18 promising that you were to get a packet, I'm

19 sorry, and you voted on July 20th that the

20 supervisor was authorized to sign the documents

21 subject to counsel's review and authorization of

22 the forms, you got a memo back and said everything

23 seems fine. Would you then expect that the

24 supervisor would sign and file the documents?

1 A I can't answer that. I would not know. I don't
2 know what the memo would say. If it just said
3 that I'd probably have questions.

4 Q The memo said that I have prepared all the
5 documents and all the documents are in good order
6 and they're ready to be signed and filed by the
7 supervisor. I see no problems.

8 MR. MAHON: I'm going to object to
9 the form of the question. You can answer
10 it if you understand it.

11 A No. I don't understand it. It's a hypothetical.
12 I --

13 Q Of course it's a hypothetical. I said it was a
14 hypothetical.

15 A Right.

16 Q You are required to answer hypotheticals unless
17 you don't understand them.

18 A So the hypothetical would be that most likely we
19 would hold a meeting probably still. This board
20 will hold meetings. We would speak. If there was
21 an issue and somebody didn't understand, they
22 would ask a question. We hold meetings for
23 reasons.

24 Q All right. My question to you is focused on this

1 packet that you said was so important for you to
2 have and yet it wasn't made a condition of your
3 resolution. The only thing was that the counsel
4 would form -- review and authorize final
5 documents. If there was never a packet but your
6 counsel said I am satisfied, here are the
7 documents I prepared, would you expect then that
8 this transaction would go forward?

9 MR. MAHON: Objection again to the
10 form of the question.

11 Q Can you answer it?

12 A Do I have to?

13 Q If you understand it, yes.

14 A I don't understand it.

15 Q You don't?

16 A No.

17 Q Okay.

18 A Because my question to you back to your question
19 to me, Supervisor Sutz stated this on the record
20 that he would put both parties and give us
21 packets. I said it again and I'll say it again
22 and I'll say it twenty times. I never received a
23 packet. I still moved forward which I explained
24 to you on the record and I approved it knowing

1 that in good faith we would review things as a
2 board and counsel review.

3 Q I didn't say -- I'm sorry.

4 A I'm saying in good faith as a fiduciary
5 responsibility I have to my constituents.

6 Q So if the packet was never provided but your
7 counsel said everything was fine that still
8 wouldn't be good enough for you?

9 A I don't know. I can't answer that at this time.

10 Q Okay. What was going to be in the packet?

11 A To review back to --

12 Q You can look at whatever you want.

13 A Thank you. I appreciate that. I don't know
14 because he says visuals of both properties and
15 packets for both boards so I don't know what he
16 was going to put in certain packets versus the
17 village or ours. I don't know if it would be
18 exactly the same. I have no idea what he was
19 giving.

20 Q So in furtherance of your fiduciary duties as you
21 see them you didn't require any particular
22 information to be in that packet?

23 A Prior to this? (Indicating).

24 Q At any time.

1 A Whatever the town supervisor was going to bring us
2 he was going to show us. That's what I was under
3 the understanding.

4 Q And if he didn't show it to you why would you
5 authorize something to be done consistent with
6 your fiduciary responsibilities as you see them?

7 A Exactly as I stated again.

8 Q Which is what?

9 A What I just explained two minutes ago. We have a
10 legal representative for the town, all the board
11 members will speak, we hold our board meetings if
12 it's in session or executive session. At the time
13 we do a daily business. Business is done on a
14 regular basis. Our fiduciary responsibility is to
15 do our job by the constituents.

16 Q And so if a packet contained a map or some photos,
17 that was all you expected?

18 A If that's what was in the packet, yes.

19 Q Well, what did you expect to be in the packet
20 consistent with your fiduciary responsibilities as
21 you see them?

22 A I guess the agreement between the village, the
23 town, the resolution, maybe as you stated a map,
24 visuals showing where property we're purchasing or

1 we're giving away or vice versa.

2 Q Did you discuss this land transfer at any time
3 subsequent to the July meeting and the following
4 meeting in April that you've testified to?

5 MR. MAHON: Objection to the form.

6 Discuss it with whom, Rick?

7 Q Anybody in the world.

8 A Did I discuss the land transfer?

9 Q Yes.

10 A I guess just in meetings.

11 Q After July 2017 and before April 2018?

12 A Not that I recall.

13 Q Did you discuss it outside of the meeting context?

14 A I would say maybe if it was a conversation between
15 board members.

16 Q Do you recall any of those?

17 A I don't recall.

18 Q So you're saying you don't recall discussing it?

19 A I don't recall the specifics you're asking. No.
20 I don't recall what the topic of the conversation,
21 what the intent of the conversation was.

22 Q Okay. Do you recall discussing the topic
23 whatsoever between July of 2017, July 20th, 2017
24 and April of 2018? Just the topic. That's all

1 I'm asking you is whether or not you recall the
2 topic of that conversation?

3 A I don't recall. I'm sorry. I don't recall.

4 Q Did you ever discuss either before or after July
5 20th, 2017 with anyone what values should be
6 attributed to the respective lands that were being
7 swapped?

8 A From July 20th to when?

9 Q To April of 2018.

10 A In April 2018.

11 Q Okay.

12 A At the board meeting. That's all I can tell you
13 on that. That is the truth. April '18, that was
14 the meeting. Prior to that --

15 Q What did you discuss about the values then?

16 A What was discussed to us. Basically explaining --
17 at that meeting we were notified of everything
18 that we're speaking of today.

19 Q I'm talking about the value of the property, the
20 respective values of the property.

21 A That we -- that the county -- I'm sorry, the town
22 assessor believed that the property value of the
23 highway garage was more -- had a higher value than
24 the park property, as you would call it park

1 property.

2 Q I'm not calling it park property.

3 A Well, you said it earlier, park property.

4 Q I talked about Earl Reservoir.

5 A Okay. Reservoir property.

6 Q And whether or not you considered that the
7 property had been -- or you were aware of whether
8 or not the property was parkland.

9 A No. Then I'll rephrase it as reservoir property.

10 Q Prior to that meeting did you ever see fit
11 consistent with your fiduciary responsibilities as
12 you see them to discuss the relative value of the
13 properties being swapped?

14 A No.

15 Q So did you consider that your vote on July 20th to
16 authorize the supervisor to sign documents after
17 the creation, review and authorization by counsel
18 required any further action by the town board
19 before it could be accomplished?

20 A Yes. We needed to have everything approved by
21 counsel before we move further.

22 Q And assuming that counsel approved it was there
23 any further action that was needed by you?

24 A Depending on if anything came back that needed to

1 be reviewed further.

2 Q Assuming that nothing came back that needed to be
3 reviewed further did you consider that that action
4 was sufficient to have the supervisor sign the
5 necessary documents?

6 A Under that date at that time I thought everything
7 was followed properly.

8 MR. GOLDEN: Okay. I have no further
9 questions.

10 MR. MAHON: I have some questions.

11 BY MR. MAHON:

12 Q Mr. Essig, could you please explain briefly what's
13 your work background?

14 A 30 years law enforcement experience.

15 Q Are you currently employed?

16 A I am.

17 Q By whom?

18 A The New York State Fraternal Order of Police. I'm
19 the state president.

20 Q You're the state president of the New York
21 Fraternal Order of Police?

22 A Uh-huh.

23 Q How long have you served on the town board of the
24 Town of Woodbury?

1 A I'm in my fourth year.

2 Q Mr. Golden referred you to Plaintiff's Exhibit 7
3 and you have that in month of you now?

4 A Uh-huh.

5 Q I'm going to read a portion and I'm going to ask
6 you a question about it. Okay?

7 A Okay.

8 Q He referred you to the motion on the bottom of
9 page 1 of Plaintiff's Exhibit 7 and the motion was
10 offered by Councilman Arone, seconded by
11 Councilman Hunter to authorize the supervisor to
12 sign any and all documents relating to a property
13 exchange with the Village of Woodbury as follows,
14 upon final preparation, review and authorization
15 by counsel, and then it says from the town to the
16 village section 219, block 5 lot 21 and a portion
17 of lot 20 and then after lot 20 it says (highway
18 garage and salt shed). Do you see that?

19 A I do.

20 Q At the time that this motion was made did you have
21 an understanding of what portion of lot 20 would
22 be conveyed?

23 A No. I did not.

24 Q I'm going to show you two additional exhibits

1 previously marked. Plaintiff's Exhibit 1 and
2 Plaintiff's Exhibit 8. Take a moment and look at
3 them and tell me if you have seen these exhibits
4 before?

5 A Is this upside down? (Indicating).

6 Q You're right. It is upside down.

7 A So your question again was?

8 Q My question is before this litigation started have
9 you ever seen these maps as depicted in
10 Plaintiff's Exhibit 1 and Plaintiff's Exhibit 8?

11 A No. I never seen that.

12 Q And there is a stamp and there is a printed name
13 on each map, Plaintiff's Exhibit 1 and 9, Steven
14 J. Green. Do you see that?

15 A Uh-huh.

16 Q Do you know who Steven J. Green is?

17 A No.

18 Q There was prior testimony about this map and about
19 the division of the property shown on the map. If
20 you look on Plaintiff's Exhibit 8 there's an area
21 shown that says salt barn and Plaintiff's Exhibit
22 8 also shows the garage.

23 A Uh-huh.

24 Q Do you recognize what is depicted here on the map?

1 A Well, seeing it now and seeing it I know exactly
2 where this is. I know the property now very well.

3 Q Okay. The motion we've been looking at refers to
4 the garage and the salt shed.

5 A Uh-huh.

6 Q Are those depicted here on Plaintiff's Exhibit 8?

7 A Yeah.

8 Q And you see in the middle of the map Plaintiff's
9 Exhibit 8 it says lot line to be deleted?

10 A Uh-huh.

11 Q Lot line to be deleted?

12 A Uh-huh.

13 Q And then there's property that surrounds the
14 garage and the salt shed. Do you see that?

15 A I do.

16 Q Did you have any input in the determination of any
17 of the lines indicated on the map?

18 A No.

19 Q You were asked by Mr. Golden also about the
20 packet. I believe you made reference to the
21 packet.

22 A Uh-huh.

23 Q And we've been looking at Defendant's Exhibit C
24 and I believe you read the portion where it

1 says --

2 A Uh-huh.

3 Q -- and I'll just read it briefly again, it says
4 Supervisor Sutz noted he invited the village board
5 member to attend a meeting once he puts together a
6 packet for both boards with visuals of both
7 properties. And I'm reading from page two of
8 Defendant's Exhibit C. And so just to be clear,
9 you didn't receive a copy of the map of
10 Plaintiff's Exhibit 8 or Plaintiff's Exhibit 1 at
11 any time before the vote was taken on July 20th,
12 2017?

13 A No.

14 Q At any time after that date, after July 20th, 2017
15 did you receive any maps, any visuals or any
16 deeds?

17 A No.

18 Q I'm going to show you what's been marked as
19 Plaintiff's Exhibit 3. Please take a moment and
20 tell me if you recognize that document.

21 A Do I recognize it? No.

22 Q Take a look at page two of Plaintiff's Exhibit 3.
23 You'll see there's a deed there dated August 18th,
24 2017. Do you see that?

- 1 A I do see that.
- 2 Q And there's the printed name and a signed
3 signature of David Sutz. Do you see that?
- 4 A I do see that.
- 5 Q And on the side of the deed there's a section,
6 block and lot number.
- 7 A Uh-huh.
- 8 Q It says 219-5-20. Do you see that?
- 9 A I do see that.
- 10 Q And following the deed there's a Schedule A
11 description. Do you see that?
- 12 A I do.
- 13 Q Now, we were looking before at Plaintiff's Exhibit
14 7 and part of the motion was a conveyance of a
15 portion of lot 20. Do you see that?
- 16 A I do see that.
- 17 Q And Schedule A makes a reference to P/O 2019-5-20.
18 Do you see that?
- 19 A I do.
- 20 Q Did you receive a copy of this Schedule A
21 description that represents a portion of lot 20
22 before the deed was recorded?
- 23 A I never received that.
- 24 Q You were asked a number of hypothetical questions

1 by Mr. Golden. Let me ask you a hypothetical.
2 Looking now at Plaintiff's Exhibit 7 and the
3 motion that was made, the motion refers to a
4 portion of lot 20 with no other further
5 description, no metes and bounds description in
6 there.

7 MR. MAHON: Objection. I'm sorry.

8 Q My question for you is this. Was it important to
9 you to know what portion of lot 20 would
10 ultimately be conveyed from the town to the
11 village?

12 MR. MAHON: Objection to the form of
13 the question.

14 Q Do you understand my question?

15 A Yes.

16 Q Okay.

17 A Yes.

18 Q Why is it important?

19 A Because we have to be descriptive of what we're
20 doing. It has to be identified, itemized.

21 Q But at this meeting, as you left that meeting
22 after July 20th, 2017 did you have any idea what
23 the dimensions or the metes and bounds would be of
24 lot 20?

1 A I had no idea.

2 Q And just to be clear, I'm going to show you what's
3 been marked as Plaintiff's Exhibit 5. Tell me if
4 you have seen that document before.

5 A The whole document?

6 Q Or any portion of it.

7 A I can't read that. The question is I've never
8 seen this before.

9 Q Now, with Plaintiff's Exhibit 3 and Plaintiff's
10 Exhibit 5 which are both deeds dated August 17th,
11 2017 and Plaintiff's Exhibit 3 indicates the deed
12 was recorded by the Orange County Clerk on August
13 29th, 2017, Plaintiff's Exhibit 5 indicates that
14 the deed was recorded August 29th, 2017. My
15 question is this, at any time after July 20th,
16 2017 which is Plaintiff's Exhibit 7, at any time
17 after that meeting did David Sutz ever tell you
18 that these deeds had been prepared?

19 A No. He never informed me of that.

20 Q Did he ever tell you these deeds had been recorded
21 with the Orange County Clerk's office?

22 A No.

23 Q And after July 20th, 2017 did David Sutz continue
24 to serve as the town supervisor right to the end

1 of the year?

2 A Yeah.

3 Q And at any time after July 20th through the rest
4 of his term, December 31st, 2017, did he ever
5 mention to you that these deeds had been recorded
6 or that a map had been prepared with respect to
7 the land swap?

8 A Not to me, no.

9 Q You were asked before by Mr. Golden about
10 Plaintiff's Exhibit 7 and again that motion
11 language itself, and part of the motion language,
12 and it's been read a couple of times, is upon
13 final preparation, review and authorization by
14 counsel. Do you see that?

15 A Uh-huh.

16 Q Did anyone on the town board ever inform you that
17 that preparation, review and authorization by
18 counsel had taken place?

19 A No.

20 Q And do you know of your own personal knowledge if
21 that preparation, review and authorization in fact
22 had taken place?

23 A No.

24 Q I believe Mr. Golden asked you when you first

1 learned of the fact of this conveyance and I think
2 you said it was in April of 2018?

3 A Uh-huh. At an executive board meeting.

4 Q And who told you that the conveyance had taken
5 place?

6 A Supervisor Palermo.

7 Q And did you understand then that the conveyance he
8 was referring to was the same conveyance that was
9 voted upon at the July 20th, 2017 meeting?

10 A After he explained it, yes.

11 Q And when you found out that the deeds had been
12 recorded and the map had already been prepared
13 without your seeing it as you've testified what
14 was your reaction?

15 A Very upset, disgusted, betrayed.

16 Q And why is that?

17 A You put trust into somebody, you work with
18 somebody and now I feel like a fool that this was
19 done without anybody's knowledge. My knowledge I
20 should say.

21 Q Let me ask you this question. July 20th, 2017
22 came and went. There was a motion, there was a
23 vote and there was a reference to preparation,
24 review and authorization by counsel. When that

1 did not happen did you question whatever happened
2 with the land swap transaction?

3 A I did not.

4 Q Why not?

5 A It didn't come up. I didn't think about it.

6 Q And after that time did you receive anything from
7 Supervisor Sutz whether it was a visual or a map
8 or a memo or an explanation or a copy of a deed,
9 did you receive anything like that from Supervisor
10 Sutz?

11 A No.

12 MR. MAHON: No further questions.

13 MR. GOLDEN: I have none.

14 (Whereupon, the examination of
15 Michael L. Essig was concluded.)

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I N D E X

EXAMINATION BY:

PAGE:

Mr. Golden
Mr. Mahon

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23

EXHIBITS MARKED FOR ID:

(None)

INFORMATION TO BE SUPPLIED/FILLED IN:

(None)

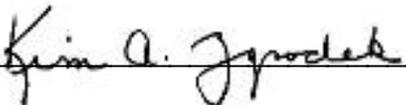
QUESTIONS MARKED FOR RULINGS:

(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. GOLDEN: [3] 4/4 4/19 11/11 BY MR. MAHON: [1] 23/11 MR. GOLDEN: [5] 4/17 11/4 11/9 23/8 33/13 MR. MAHON: [9] 11/2 11/7 16/8 17/9 20/5 23/10 29/7 29/12 33/12</p>	<p>assessor [1] 21/22 assured [1] 11/5 attend [2] 11/16 27/5 ATTORNEY'S [1] 2/17 attributed [1] 21/6 authorization [8] 14/20 15/21 22/17 24/14 31/13 31/17 31/21 32/24 authorize [7] 12/3 13/11 15/4 17/4 19/5 22/16 24/11 available [2] 13/21 13/22</p>	<p>ESSIG [7] 1/15 4/1 4/7 4/20 23/12 33/15 34/13 ethically [1] 13/1 executive [6] 8/9 8/11 8/16 8/21 19/12 32/3 explanation [1] 33/8</p>
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<p>1 10924 [2] 2/14 2/19 10930 [1] 4/8 10:20 [1] 1/15 1100 [1] 2/6 12551 [1] 2/6 1479 [1] 2/5</p>	<p>background [1] 23/13 barn [1] 25/21 betrayed [1] 32/15 block [2] 24/16 28/6 board [28] boards [3] 11/18 18/15 27/6 bounds [2] 29/5 29/23 box [4] 1/23 2/5 2/13 11/23 briefly [2] 23/12 27/3 buildable [1] 6/4 BURKE [1] 2/10</p>	<p>faith [2] 18/1 18/4 feels [1] 12/24 fiduciary [8] 12/11 14/6 18/4 18/20 19/6 19/14 19/20 22/11 FIERRO [1] 2/7 focused [1] 16/24 fool [1] 32/18 found [1] 32/11 fourth [1] 24/1 Fraternal [2] 23/18 23/21 fully [1] 7/23 furtherance [1] 18/20</p>
<p>2 2016 [1] 10/3 2017 [20] 2018 [11] 2019 [1] 1/15 2019-5-20 [1] 28/17 209 [1] 2/13 216 [1] 2/13 219 [1] 24/16 219-5-20 [1] 28/8 255-275 [1] 2/19 275 [1] 2/19 291-3150 [1] 2/20 294-4080 [1] 2/14</p>	<p>C Catania [2] 1/16 2/4 Clerk [1] 30/12 Clerk's [1] 30/21 community [1] 14/7 condition [1] 17/2 conditioned [1] 13/14 confused [1] 9/18 consistent [3] 19/5 19/20 22/11 constituents [2] 18/5 19/15 context [1] 20/13 conveyance [5] 28/14 32/1 32/4 32/7 32/8 Corwin [2] 1/17 2/5 Councilman [2] 24/10 24/11 counsel's [1] 15/21 couple [2] 9/14 31/12 creation [1] 22/17</p>	<p>G garage [7] 5/18 5/22 21/23 24/18 25/22 26/4 26/14 GOLDEN [9] 2/10 2/15 4/11 24/2 26/19 29/1 31/9 31/24 35/5 Goshen [2] 2/14 2/19 Green [2] 25/14 25/16</p>
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<p>4 4080 [1] 2/14</p>	<p>David [3] 28/3 30/17 30/23 December [1] 31/4 deed [7] 27/23 28/5 28/10 28/22 30/11 30/14 33/8 deeds [7] 8/20 27/16 30/10 30/18 30/20 31/5 32/11 define [1] 10/13 deleted [2] 26/9 26/11 descriptive [1] 29/19 designated [1] 6/6 determination [1] 26/16 dimensions [1] 29/23 disgusted [1] 32/15 disparaging [1] 14/9 division [1] 25/19</p>	<p>hall [1] 11/23 Highland [1] 4/8 highway [4] 5/18 5/21 21/23 24/17 honest [1] 9/12 hundred [1] 8/17 Hunter [1] 24/11 hypothetical [7] 15/16 16/11 16/13 16/14 16/18 28/24 29/1 hypotheticals [1] 16/16</p>
<p>5 565-1100 [1] 2/6</p>	<p>E Earl [1] 22/4 EF006036 [1] 1/7 EF006036-2018 [1] 1/7 efforts [3] 9/8 10/10 10/14 electronically [1] 11/22 enforcement [1] 23/14</p>	<p>I idea [3] 18/18 29/22 30/1 identify [2] 10/14 15/14 II [1] 2/7 important [3] 17/1 29/8 29/18 impression [2] 6/15 13/4 indemnify [2] 15/12 15/13 inform [1] 31/16 information [2] 18/22 35/13 informed [1] 30/19 inquired [1] 9/14 intent [1] 20/21 invited [2] 11/16 27/4 itemized [1] 29/20</p>
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<p>8 845 [3] 2/6 2/14 2/20 845-642-8633 [1] 1/24 8633 [1] 1/24</p>	<p>L</p>	<p>land [11] lands [1] 21/6 language [2] 31/11 31/11 legal [2] 12/24 19/10 legislature [2] 6/14 6/17 LIA [1] 2/7</p>
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<p>P</p> <p>P/O [1] 28/17 packet [30] packets [7] 11/23 12/10 13/5 13/6 17/21 18/15 18/16 Palermo [1] 32/6 paragraph [2] 9/4 10/9 park [4] 21/24 21/24 22/2 22/3 parkland [4] 6/1 6/2 6/6 22/8 percent [1] 8/17 photos [1] 19/16 PLLC [2] 1/17 2/4 PO [2] 1/23 2/5 Police [2] 23/18 23/21 preparation [5] 24/14 31/13 31/17 31/21 32/23 preparations [1] 5/13 president [2] 23/19 23/20 printed [2] 25/12 28/2 PROFESSIONAL [1] 1/23 promise [1] 12/1 promised [4] 10/17 10/20 13/9 14/19 promising [1] 15/18 properly [2] 13/1 23/7 properties [5] 11/18 11/19 18/14 22/13 27/7 property [19] public [5] 1/18 3/15 4/2 34/20 36/8 purchasing [1] 19/24</p>	<p>U</p> <p>ultimately [1] 29/10 unless [1] 16/16</p> <p>V</p> <p>value [4] 21/19 21/22 21/23 22/12 values [3] 21/5 21/15 21/20 verbal [2] 7/12 7/15 versa [1] 20/1</p>	