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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 Under Oath of Non Party Witness,

STEVEN J. GREEN, held on June 26th, 2019, at 1:17
p. m., at the offices of Catania, Mahon, Milligram
& Rider, PLLC, One Corwin Court, Newburgh, New York,
pursuant to Subpoena, before a Notary Public of the
State of New York.

KIM A. ZGRODEK
PROFESSIONAL COURT REPORTER
PO BOX 600, MARLBORO, NEW YORK 12542
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1 A P P E A R A N C E S:

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By: RICHARD M. MAHON, II, ESQ. and
LIA E. FIERRO, ESQ.,
of Counsel.

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Village of Woodbury and
Village of Woodbury Board
of Trustees.

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By: RICHARD B. GOLDEN, ESQ.,
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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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STEVEN J. GREEN,

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

BY MR. MAHON:

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

A Steven J. Green. My business mailing address is
P. O. Box 534, Goshen, New York, 10924.

Q Good afternoon, Mr. Green. My name is Richard
Mahon and I represent the Town of Woodbury in this
ongoing litigation. I'm going to be asking you
questions basically about surveying work that you
did for the Town of Woodbury.

If I ask you a question you don't understand,
please let me know. I'd be happy to rephrase it.
If you want to take a break, that's fine with me,
and talk to your attorney, that's fine with me.

I would just ask that all of your responses
be verbal. There's this irresistible impulse
during a deposition for a witness to either nod
his head or shake his head but just keep all of
your responses verbal. Okay?

A That's fine.

MR. GOLDEN: Off the record.

1 (Discussion off the record)

2 BY MR. MAHON:

3 Q Mr. Green, just to be clear for the record do you
4 have an attorney here representing you today?

5 A No.

6 Q Would you explain generally what is your current
7 employment position and your employment background
8 basically from college forward?

9 A From college I -- out of college my degree is in
10 architecture and from there I went to work for my
11 uncle, Floyd Carr, Floyd C. Carr, he was in Goshen
12 on Montgomery Street, and that was from '86
13 roughly. Yeah. About '86 to I think '96 when I
14 working for the county. That was a surveying and
15 engineering company. From there with the county I
16 was hired as a tax map technician back then so
17 I've been with the county 27 years. In 2004 I was
18 licensed in New York State as a surveyor and I
19 have a separate business in Sullivan County from
20 the county so I still maintain those two.

21 Q So are you a registered architect in the State of
22 New York?

23 A No. I'm a registered surveyor.

24 Q Okay. And I was going to ask you but what is your

1 educational background? What years did you
2 graduate and what degrees did you obtain?

3 A My degree is in architecture from I think it's
4 '96, '97, two years, so an associate's degree, I
5 guess, and then the rest of it was learned
6 in-house with my uncle. At the time there was no
7 requirements for formal education in school to
8 gain my license.

9 Q Right. And from the State of New York you hold
10 the PLS or professional land surveying
11 designation?

12 A Correct.

13 Q Is that correct?

14 A Yes.

15 Q So have you worked with the county as a tax map
16 technician continuously over those 27 years?

17 A Every day. 27 years.

18 Q I always wondered who did that, you know. It's
19 very painstaking work. Put it that way. You have
20 to be very exact.

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

23 A I sat with Damian at the county and we went back
24 over some of the stuff to remind me of what years

1 it was done and that's pretty much it, I mean.

2 Q Did you have a chance to read through the
3 complaint?

4 A I did. I read through part of it.

5 Q And without being a lawyer you have a general
6 overview of what the claims are in the case?

7 A Yes.

8 Q I am going to show you what's been marked as
9 Plaintiff's Exhibit 1. Before coming here today
10 you should know that we've already had I think
11 eight depositions in this case and believe it or
12 not we have nine scheduled for Friday. They're
13 not all long depositions because we have a judge
14 who gave us a very short time frame.

15 A Okay.

16 Q I'm going to show you Plaintiff's Exhibit 1. Take
17 a moment and look at it and tell me if you
18 recognize that document.

19 A I do.

20 Q And what do you recognize that to be?

21 A This was a survey and then a subdivision plan that
22 was asked to be created of -- you know, asked me
23 to create for the Town of Woodbury.

24 Q And, Mr. Green, just to make it easier there is a

1 larger map that we got from your office actually
2 which I believe makes it much easier to read.

3 A No. That did not come from my office.

4 Q Oh, it didn't?

5 A No.

6 Q Okay.

7 A Because that map is not filed.

8 Q Well, this one I'm showing you now is Plaintiff's
9 Exhibit 8. Does that depict a copy of a map which
10 you prepared?

11 A It would be.

12 Q And in Plaintiff's Exhibit 8 there down at the
13 bottom of the legend on the right-hand side
14 there's a date indicated of December 4th, 2016.
15 Do you see that?

16 A Correct.

17 Q What does that date signify?

18 A That date would have been the date that I
19 generated the map. I did the field work before
20 that. Probably around August 2016. Probably
21 September I'd say is when I actually did the field
22 work to do this.

23 Q And how did you come to first be retained by the
24 Town of Woodbury in this matter?

1 A Gary Thomasberger is an associate friend of mine
2 and he called me up to do some minor work on the
3 southerly side of what would be the town hall I
4 believe it is and what he asked me to do was stake
5 out the lower portion of the town hall property
6 because there were some issues with parking and
7 they weren't clear where the line was. So I said,
8 all right, I'll come out, and I met him and David
9 and we -- he asked me what they needed so I staked
10 that out for them. A little time went by because
11 it was staked out in August and probably -- well,
12 it would have been within a month and they asked
13 me to do some work for them over here in this
14 property and split off along a chain link fence.
15 David actually walked the fence and said this is
16 where I want the line and Mike Queenan was with us
17 as well and I said okay. I said I'll survey it
18 up, put a map together and get it to you.

19 Q And just to be clear for the record, when you
20 refer to David you're referring to David Sutz,
21 right?

22 A David Sutz.

23 Q And at that time when you met with him in 2016 he
24 was the supervisor of the Town of Woodbury?

1 A Yes.

2 Q And Mike Queenan at that time was the mayor of the
3 Village of Woodbury?

4 A Correct.

5 Q So when you had that site walk or site inspection
6 with these two individuals was that on just one
7 occasion or more than one occasion?

8 A I probably met them more than once because I would
9 have had to create it and then go back afterwards
10 and say is this what you want.

11 Q Right.

12 A And then because to generate it and throw it out
13 there it's not going to be exactly what they need.
14 So in this case I would say at least twice.

15 Q And David Sutz testified earlier today. One of
16 the things I wanted to ask you just to clarify, do
17 you see on Plaintiff's Exhibit 8 there's a
18 building marked as garage and there's one marked
19 as salt barn, do you see that?

20 A Correct.

21 Q And as a result of this lot line change or
22 subdivision these two structures would be together
23 on the same lot, is that correct?

24 A Correct.

1 Q And on Plaintiff's Exhibit 8 there is a dimension
2 line or a line from the edge of the garage to the
3 property line, it's 134.5 feet, do you see that?

4 A Yes.

5 Q How did you know where to draw the line and how
6 much land to include on this lot 20 that has the
7 salt barn and the garage on it?

8 A The original map came -- well, I actually
9 regenerated the map in my own work. Ed Zaback had
10 done work for the village and town years ago and
11 that map would have been on file with the county
12 because that was a subdivision map. The number of
13 the map I don't remember offhand but it does
14 exist. So that's where that probably would have
15 came from.

16 Q Okay.

17 A Well, I shouldn't say that. I located everything
18 out there --

19 Q Right.

20 A -- and rechecked my own work and put that on
21 there.

22 Q How did you know where to draw the line that would
23 divide these properties? Did David --

24 A This line, the middle line existed.

1 Q Right.

2 A Okay. Being that this was the original lot.

3 Q Sure.

4 A Okay. This lot here. (Indicating). It goes up
5 to Hickory Street. Okay. The library, the senior
6 center is this --

7 MR. GOLDEN: I can't help you.

8 MR. BRADY: He can't help you. I
9 know the answer but --

10 Q That is the library and senior center, yes.

11 A I'm sorry. I did write it in there. Library and
12 senior center. This was one piece of property
13 straight across. (Indicating).

14 Q Right.

15 A That went down County 105 to Hickory Street. The
16 line came from David walking the fence and
17 touching the posts and saying this is where I want
18 the line.

19 Q Okay.

20 A And I said okay.

21 Q Let me just show you Plaintiff's 2. Maybe this
22 will help guide us. This has been marked as
23 Plaintiff's Exhibit 2. Do you recognize what's
24 depicted there?

1 A That would be the original lot lines before it was
2 split.

3 Q Before it was split. Great. Let me show you
4 what's been marked as Plaintiff's Exhibit 4. Do
5 you recognize that?

6 A That would be the lot lines after the split was
7 generated.

8 Q By looking at Plaintiff's Exhibit 4 can you
9 determine which tax map that is involved in? What
10 year?

11 A 2018.

12 Q Plaintiff's Exhibit 2, is that the 2017 map?

13 A That would be 2017.

14 Q Okay. And how long did this survey work take you,
15 approximately?

16 A When we gave it back to him, probably before
17 December.

18 Q Okay. Well, if Plaintiff's Exhibit --

19 A I'm trying to -- I don't remember exactly but
20 probably.

21 Q Plaintiff's Exhibit 8 is the large map and it's
22 dated December 4th, 2016. Do you know how long
23 before that date approximately you started working
24 on the map?

1 A This map, I would have started working on it at
2 this time so you're going into a 2017.

3 Q Right.

4 A Year so he would have gotten it -- I'm trying to
5 remember when we were out there. I don't remember
6 the exact date but he would have received it in
7 2017.

8 Q I'm going to show you what's been marked as
9 Plaintiff's Exhibit 9. Take a look at that and
10 tell me if you recognize that.

11 A That would have been the stake out that I had
12 mentioned to you in the beginning.

13 Q Okay. But that's for a different property, right?

14 A That's for a different piece. That's relevant to
15 lot 13. That's the southerly line we staked.

16 Q I'm going to show you what's been marked as
17 Plaintiff's Exhibit 3. Take a look at that and
18 tell me if you recognize that document.

19 A This would have been the deed that came across my
20 desk at my county job that was filed or not.

21 Q On the second page of that deed do you see a date
22 indicated?

23 A August 18th, 2017.

24 Q Yes.

1 A Yeah.

2 Q On the first page can you see when that deed was
3 actually recorded?

4 A 8-29-17.

5 Q Did you assist in any way in the preparation of
6 the deed?

7 A I would have had to have assisted in the
8 preparation because I created the descriptions and
9 I believe I helped them with part of the deed but
10 I didn't complete the deed.

11 Q Well, let me ask the question this way. Did you
12 draft the actual wording of the deed itself?

13 A The wording of the deed is stock format deed.
14 There's a boilerplate.

15 Q Right.

16 A So anything that was put in it would have been
17 probably the names of the municipalities, the
18 section, block and lot and that's pretty much it.
19 The rest of it is standard.

20 Q Okay. I guess what I'm asking, though, is that
21 did somebody else send you this form deed for you
22 to look at and review or did you generate that
23 form?

24 A I don't generate this form. This is a standard

1 form.

2 Q Okay.

3 A I did do some of it but I did not fill it in.

4 It's not in my handwriting.

5 Q Do you know what part that you were involved in?

6 A It would have been -- I would have gave them the

7 section, block and lots and they knew who to

8 transfer from and to so that would have it

9 probably from me.

10 Q If you look along the left-hand side in the margin

11 I believe there's a reference to the section,

12 block and lot, do you see that?

13 A That would have been come from the county when it

14 was filed. Sometimes they put it on there.

15 Q And if you look at the Schedule A of that deed,

16 that schedule A was generated by you?

17 A I would have drafted that up to go along with the

18 map when they were filed together.

19 Q But just to be clear, that Schedule A was the

20 result of I guess the indications of David Sutz in

21 terms of where the line would be and what property

22 is included?

23 A This Schedule A is a result of the out bounds of

24 what was to be transferred to the Village of

1 Woodbury.

2 Q Right.

3 A Correct.

4 Q But what I'm asking is the dimensions, you
5 obviously didn't do that yourself. Those are
6 the --

7 A Well, I would have generated those dimensions
8 based upon --

9 Q What he showed you?

10 A -- what he showed me, correct.

11 Q Was there anybody else besides David Sutz that
12 showed you where the boundaries would fall?

13 A Michael Queenan was there so he was aware of what
14 we were doing.

15 Q Was there anybody else from the town, and I mean
16 anybody else, for example, from the town board
17 that was involved in this process with you and
18 David Sutz?

19 A I wasn't involved with the town board.

20 Q Was David Sutz your only contact with the town?

21 A David Sutz would have been the main contact and
22 then sometimes Laura Breslin.

23 Q And Laura Breslin, just to be clear, she's the
24 town assessor, right?

1 A She was the town assessor.

2 Q Did you have any contact with Desiree Potvin?

3 A I don't even know who that is.

4 Q She's the town clerk. Did you have any contact
5 with -- okay. Withdrawn.

6 So it's fair to say then that the only member
7 of the town board that you had contact with was
8 David Sutz himself?

9 A I didn't know he was on the town board but yes.

10 Q Yeah. David Sutz at the time was the town
11 supervisor, is that correct?

12 A Correct.

13 Q When you were in contact with David Sutz did you
14 contact him by e-mail?

15 A I think I called him. I would call the town
16 mostly. I don't remember e-mailing David on that.

17 Q Okay. I want to show you what's been marked as
18 Plaintiff's Exhibit 5. Take a moment and look at
19 that. It's another deed. Please look at that and
20 tell me if you recognize that.

21 A This would be the parcel of land that was the
22 reservoir or up by the reservoir.

23 Q And for that parcel of land you didn't do any
24 survey work, did you?

1 A No. This is a recreation of the existing -- the
2 original deed actually so this was -- this is all
3 original paperwork probably.

4 Q And, Mr. Green, let me ask you, I'm not sure if I
5 asked you this at the beginning, did you talk to
6 David Sutz before coming to testify about this
7 matter?

8 A No. I haven't talked to David in a while.

9 Q Not since all the survey work was done?

10 A No. Not on this project at all.

11 Q Did you talk to Mike Queenan about this?

12 A No.

13 Q Is there anybody else on the town board either
14 past or present or the village board past or
15 present that you spoke to about this matter?

16 A There was a gag order so no.

17 Q I want to show you what's been marked as
18 Plaintiff's Exhibit 11. If you could take a
19 moment and look at that and it shows a series of
20 two e-mails, one of which I believe is from you.

21 A Yes.

22 Q Do you recognize that document?

23 A Yup.

24 Q Could you describe what it is or --

1 A This was the -- is this the park? Not the park,
2 the reservoir?

3 Q You can compare it if you like.

4 A Yes. This was the reservoir.

5 Q When you say the reservoir, that's not the same
6 property description as in Plaintiff's Exhibit 5,
7 is it?

8 A Yes.

9 Q It's the same property?

10 A Right. But this is just the inside addendum.

11 Q At the end of that exhibit you're looking at now
12 there is another survey map, do you see that?

13 A Yes.

14 Q Was that prepared by you as well?

15 A That's a scaled down version of the original map
16 which has nothing to do with the deed.

17 Q That survey map doesn't depict the same property
18 as Plaintiff's Exhibit 8, does it?

19 A It does.

20 Q Okay.

21 A That's it, right? Correct.

22 Q Yup.

23 A They're the same maps.

24 Q The same maps. Okay. I'm going to show you

1 what's been marked as Plaintiff's Exhibit 10 and
2 please take a moment and look at that and tell
3 me -- part of the document was redacted but tell
4 me if you recognize it.

5 A This is a TP-584, it's up in the right corner of
6 the paperwork.

7 Q With respect to these deeds did you prepare any
8 TP-584s for recording purposes?

9 A I gave them some of the information and then they
10 had to fill in all the rest.

11 Q But it wasn't you personally that prepared the
12 document, was it?

13 A No. I don't think, no.

14 Q Okay. And just so we're clear you told us before
15 that you had input on the deed but you didn't
16 prepare the actual document itself?

17 A I didn't put everything together, no.

18 Q And the gains tax affidavit and the equalization
19 and assessment forms, you didn't prepare those
20 either?

21 A I prepared pieces of it and then they would have
22 had to finish it but anything I do deed-wise, I
23 told them they need to be reviewed by an attorney
24 as always.

1 Q Do you know if they used an attorney to review the
2 documents?

3 A Once I give it to them I don't know what they do
4 with it other than file it. I know they filed it.

5 Q And in all the time that you worked with the town
6 on this land transaction and the survey did you
7 ever copy the Town of Woodbury town attorney or
8 any town board member?

9 A I did not.

10 Q Do you know an individual named Maria Hunter?

11 A I know Maria.

12 Q And who is she?

13 A She's a planning board chairwoman for the village.

14 Q Did you ever speak to Maria about this land swap
15 transaction?

16 A I didn't but when I completed the project I told
17 her -- told them that she had to sign the map
18 so --

19 Q Okay. And who did you tell that to? David Sutz?

20 A I told David and I told Laura.

21 Q Why did you tell them that?

22 A Because it's a subdivision map. It's common
23 practice.

24 Q Is it your understanding that when a municipality

1 has a lot line change or a subdivision map with
2 another municipality it still has to go to the
3 planning board?

4 MR. GOLDEN: Objection to the form of
5 the question.

6 Q Do you understand what I'm asking you, Steve?

7 A I understand what you're asking.

8 Q Yeah.

9 A And it's -- the county can do the same thing
10 sometimes where they don't go to boards to do
11 what's necessary for the public so I generated it,
12 it was up to them to do what they had to do with
13 the map.

14 Q When you told them that they had to go to the
15 village planning board --

16 A Oh, I didn't tell them they had to go to the
17 village planning board. I said Maria Hunter had
18 to sign it.

19 Q When you told them -- just so I'm clear, did them
20 include David Sutz?

21 A It would have been David or Laura that I
22 communicated with so however they had to handle it
23 was their way to do it.

24 Q Did Maria ever tell you that they had --

1 A I never spoke to Maria about it.

2 Q Did David ever tell you that he had contacted
3 Maria about it?

4 A He said Maria wouldn't sign it.

5 Q Did he explain why?

6 A No.

7 Q There's been testimony earlier in the case and I
8 just wanted to ask you, Steve, that subdivision
9 maps or lot line changes between municipalities do
10 not always require the planning board to sign off.

11 A Okay.

12 Q I'm asking you because you are a technician with
13 the tax maps has that been true in your
14 experience?

15 MR. GOLDEN: Objection. Are you now
16 asking him as an expert witness?

17 MR. MAHON: No. I'm asking him based
18 on his actual experience if he's
19 encountered that.

20 MR. GOLDEN: Well, I object.

21 A Yeah. That's a tough question because sometimes
22 even the county will split things and file it
23 directly. Okay. But in this situation it wasn't
24 up to me to tell them to file this map. It was up

1 to the town to take care of it or the village
2 whichever capacity they're doing it in. I was
3 just asked to do the map.

4 BY MR. MAHON:

5 Q Do you know -- in a situation like this do you
6 know if the county would accept a map for filing
7 that did not have planning board approval?

8 A From --

9 MR. GOLDEN: Objection to the form of
10 the question.

11 MR. BRADY: Objection.

12 A I was going to say that's on a county position --

13 Q Yeah.

14 A -- so it depends on how you want to ask.

15 Q Do you know if the actual map was ultimately filed
16 with the county?

17 A It was not.

18 Q So just to be clear you did a survey, we've looked
19 at it, Plaintiff's Exhibit 1?

20 A Correct.

21 Q And then Defendant's Exhibit 8 is a blown up
22 version of the survey you did?

23 A Correct.

24 Q And so is it your testimony that the map that you

1 created was never filed with the county?

2 A No. It was never filed.

3 Q You mentioned at the beginning Gary Thomasberger?

4 A Yes.

5 Q What is his role with the Town of Woodbury, do you
6 know?

7 A He's the building inspector.

8 Q And he was the one that contacted you originally
9 with respect to some work in 2016?

10 A I did something for Gary on his main house years
11 ago but I've known Gary for a long time so --

12 Q Did the Town of Woodbury pay you for your
13 services?

14 A On this?

15 Q Yeah.

16 A Yes. Two separate checks. I have one check from
17 the Village of Woodbury for 500, check number
18 15842, and one check from the Town of Woodbury in
19 the amount of 500, check 17771.

20 Q Do you know the dates of those checks?

21 A I received them on 7-10 so I don't -- and I tried
22 to find copies of them so it would have been right
23 before that, I guess. I'm not sure of the exact
24 dates.

1 Q Do you know at what --

2 MR. GOLDEN: Can we find out the
3 year?

4 A That would have been 2018. Do you have the
5 checks?

6 Q You identified the checks. What was the year of
7 the checks, do you know?

8 A It was in my 2017 tax return.

9 Q That would be consistent. Do you know when by
10 looking at the map and looking at -- and
11 considering your own records do you know when your
12 work was completed for the Town of Woodbury on
13 this project?

14 A As soon as I received the checks I'm done.
15 Actually I shouldn't say that. Once I send a map
16 out I'm done.

17 Q Right.

18 A I hope to get paid.

19 Q Sure. Plaintiff's Exhibit 8 is dated in December.
20 Do you have Plaintiff's Exhibit 1 or do I have
21 that?

22 A I think you do.

23 Q Plaintiff's Exhibit 1 is the actual stamped
24 version of the map. Do you know when that stamped

1 version is dated?

2 A It was -- it should say -- well, it says on here
3 3-19-17.

4 Q Right.

5 A So apparently I was going back and forth a little
6 bit with them but --

7 Q So after March of 2017 did you render any more
8 services on this project?

9 A None.

10 Q Four months to pay you?

11 A You're dealing with government.

12 Q Yeah.

13 A Which has to go through the boards for the boards
14 to write the checks. That's how I deal with them.

15 Q Did you ever attend any board meetings with
16 respect to these projects?

17 A No.

18 Q Did you receive any written correspondence from
19 either David Sutz or Mayor Michael Queenan with
20 respect to this project?

21 A As far as going through the board or as far as --

22 Q No. Just directly from them as the supervisor or
23 the mayor.

24 A No. None that I can remember.

1 Q Did you receive any written or electronic
2 communications from either board members or
3 village -- either town board members or village
4 board members but not Mr. Sutz and not Mr.
5 Queenan?

6 A No.

7 Q I think you told me earlier that you never met or
8 spoke with any other town board member or village
9 board member aside from the mayor and the town
10 supervisor?

11 A Correct.

12 MR. GOLDEN: Off the record.

13 (Discussion off the record.)

14 BY MR. MAHON:

15 Q I'm going to ask you some further questions and
16 then my associate Lia is going to ask you
17 questions as well. We're close to finishing here.

18 A Okay.

19 Q You mentioned to me that David told you that Maria
20 wouldn't sign the map?

21 A Correct.

22 Q Was that in person or was it over the telephone?

23 A It would have been over the phone because I didn't
24 go back to see David.

1 Q Did David ever explain why she wouldn't sign it?

2 A No.

3 Q Did you have an understanding of why she wouldn't
4 sign it?

5 MR. GOLDEN: Objection.

6 A Honestly it's not my problem.

7 Q Did anybody ever talk to you again about Maria's
8 decision not to sign the map?

9 A No.

10 Q Okay.

11 A Other than Laura. Laura and I discussed it a
12 little bit, that she said no, she wouldn't sign
13 it. Laura Breslin.

14 Q Right. The assessor for the town?

15 A Correct.

16 Q So you spoke with Laura about Maria's refusal to
17 sign?

18 A Yeah. We had other dealings and I just happened
19 to ask her.

20 Q What did Laura tell you generally?

21 A Nothing. She said Maria won't sign it. I said
22 okay.

23 MR. MAHON: Okay.

24 BY MS. FIERRO:

1 Q Just on that did either David or Laura ask you
2 what to do next or if you had an opinion as to
3 what they should do if Maria didn't sign it?

4 A If they filed the deeds which were meant to be
5 filed simultaneously they filed the deeds ahead of
6 the map so that's why the deeds came across my
7 desk. If that answers your question.

8 Q I think I meant more with respect to Maria not
9 signing the map --

10 A Right.

11 Q -- and Laura and David communicated to you that
12 she would not sign the map, did they have a
13 subsequent question saying, you know, you had told
14 them to get the signed by Maria, she wouldn't do
15 it, did they follow up and say because she
16 wouldn't do it should we do something else or did
17 they ask you for your opinion at that point?

18 A We talked about filing the deeds with the map
19 which was the initial intent and I said, well, is
20 she going to sign it and they said no, she
21 wouldn't sign it. So I said you could file the
22 deeds but you still have to file the map.

23 Q Okay. I had another question about some of your
24 earlier testimony. You mentioned that you met

1 with David and with Mayor Queenan to look at the
2 property and you went over it for purposes of
3 creating the map, right? Did David Sutz ever tell
4 you why they wanted to do this project?

5 A Their reason was an insurance issue. That's all
6 they told me. Actually I asked him. I asked him
7 what the reason was. He said because we're having
8 a problem with the insurance between the town and
9 the village and that's where I left it.

10 Q Did Mayor Queenan ever say anything about the
11 purpose for the transaction?

12 A Mayor Queenan was --

13 MR. GOLDEN: I object to the form.

14 A What's that?

15 MR. GOLDEN: I'm objecting to the
16 form just to put it on the record but if
17 you understand the question, you can
18 answer.

19 A I understand the question. Michael Queenan was
20 okay with everything David told me because he
21 concurred.

22 MS. FIERRO: Okay.

23 BY MR. MAHON:

24 Q Let me just ask you, Steve, in your work for the

1 county did you ever encounter a similar situation
2 where two municipalities, not the county, filed
3 deeds or recorded deeds without a filed map
4 accompanying those deeds?

5 MR. GOLDEN: Objection to the form.

6 A Yeah. I object to form, too, because personally
7 in the 27 years I've been there it happens a lot
8 where people split things, transfer deeds and you
9 sit down and you look at it and you go what do I
10 do with this? But we have to act on it but I
11 didn't. I put it off to the side until they told
12 me what to do with it which is why it ended up the
13 way it is.

14 Q Right. What I was asking not so much private
15 parties but municipalities, if you've seen it
16 before with municipalities?

17 A Yeah. If you want to include the Blooming Grove
18 side where they split it. I'm trying to think,
19 you know, because we had one on the Blooming Grove
20 side on the Woodbury line where it was split
21 because there was an issue for the lawsuit so,
22 yeah, it does happen. The state did it actually.

23 Q The State of New York did that?

24 A Yeah.

1 Q So that was done without an accompanying map?

2 A Correct.

3 MR. MAHON: Okay. I don't think we
4 have any more questions, Mr. Green. I
5 appreciate your coming in today unless
6 Rick has questions.

7 BY MR. GOLDEN:

8 Q In your job with the county do you see all of the
9 filed deeds and maps that are filed?

10 A In the capacity I could if I wanted to review them
11 but what we do is as a county employee we are
12 given -- there's seven of us, okay, and it's
13 broken down into towns which we work on severally.
14 My towns are Woodbury, Warwick and Wawayanda and
15 Wallkill and then Wawayanda was given to one of
16 the other employees. So each employee handles a
17 group continuously of towns and believe it or not
18 for 27 years I've done the same three towns.

19 Q And so your answers with respect to your
20 experience with private parties and municipalities
21 filing deeds that separate parcels without
22 accompanying maps was dealing with those towns
23 that you've identified?

24 A The Blooming Grove side is one of the other

1 gentleman's towns so we involve each other in a
2 lot of everything that goes on in the office
3 because you learn by example and sometimes we come
4 across stuff that needs to be really discussed and
5 then we figure out what to do with it, you know,
6 and everything we do is based upon real property
7 law so that's how we run our office.

8 Q So there may well be properties that -- municipal
9 properties that are being divided by deeds only in
10 municipalities that you don't review?

11 A It could happen, yes.

12 MR. GOLDEN: Okay. I have no further
13 questions.

14 MR. MAHON: Thank you.

15 MS. FIERRO: Thank you.

16 (Whereupon, the examination of
17 Steven J. Green was concluded.)

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EXHIBITS MARKED FOR ID:

(None)

INFORMATION TO BE SUPPLIED/FILLED IN:

(None)

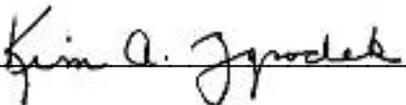
QUESTIONS MARKED FOR RULINGS:

(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

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