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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
MICHAEL F. QUEENAN, held on June 26th, 2019, at 3:08
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
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1 A P P E A R A N C E S:

2

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14 Attorneys for Defendants
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16 Village of Woodbury Board
17 of Trustees.
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25

26 ORANGE COUNTY ATTORNEY'S OFFICE
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32 (No appearance)

33 Also Present:

34 Joseph G. McKay, 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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MICHAEL F. QUEENAN,

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 Michael F. Queenan.

Q Good afternoon, Mr. Queenan.

A Good afternoon.

Q I want to thank you for waiting so patiently upstairs. It's been a long day. We've probably been through thirteen or fourteen depositions this week.

As you know I represent the Town of Woodbury and the Town Board of the Town of Woodbury. I'm going to be asking you questions about the land swap transaction, the documents that were part of that transaction, the minutes that were involved in the meetings leading up to that transaction.

If I ask you a question that you don't understand, please let me know and I'd be happy to rephrase the question. If you want to take a break, that's fine, too. I just ask it not be in the middle of a pending question. I would also ask that all of your responses be verbal.

1 MR. McKAY: Off the record for a
2 moment.

3 (Discussion off the record)

4 BY MR. MAHON:

5 Q Sir, are you currently employed?

6 A Yes.

7 Q By whom and in what capacity?

8 A The Village of Woodbury.

9 Q And in what capacity?

10 A Mayor.

11 Q How long have you served in that position?

12 A It will be ten years this December.

13 Q Ten years continuously?

14 A Yes.

15 Q When does your term expire?

16 A December 31st.

17 Q Of this year?

18 A Yes.

19 Q During those past ten years have you had any other
20 employment besides being the mayor of the village?

21 A Well, I sell real estate.

22 Q Are you a licensed real estate salesperson?

23 A Yes.

24 Q Okay. I'm going to show you what's been marked

1 previously as Plaintiff's Exhibit 8 and I'm also
2 going to show you at the same time Plaintiff's
3 Exhibit 1 which is a smaller version of
4 Plaintiff's Exhibit 8. Take a look at these
5 exhibits and tell me if you recognize them.

6 A Yes.

7 Q What do you recognize them to be?

8 A The highway department, the senior center and the
9 library.

10 Q Before coming here today you've seen these maps
11 before?

12 A Yes.

13 Q Did you request that these maps be prepared?

14 A Did I request? No.

15 Q Do you know who requested the maps?

16 A I believe it was part of the land swap that was
17 handled by David Sutz. Supervisor Sutz at the
18 time.

19 Q Do you see in Plaintiff's Exhibit 8 down the
20 bottom on the right-hand side there's a legend and
21 there's the name Steven J. Green indicated?

22 A Yes.

23 Q Have you ever met Mr. Green?

24 A Yes.

1 Q On one occasion or more than one occasion?

2 A I believe it to be one.

3 Q And what was the event or the reason for your
4 meeting at that time?

5 A Well, we met out at the highway department to go
6 over what was to be -- where we were going to do
7 the lot line change.

8 Q Now, we've had a number of witnesses talk about
9 the lot line change. When if you can recall did
10 discussions about this lot line change -- when did
11 they first begin?

12 A The discussions?

13 Q Yes.

14 A Well, not a lot line change but I had discussions
15 with Frank Palermo when he was acting supervisor.

16 Q And when you say lot line change, I'm talking
17 about the land swap transaction. When did
18 discussions begin about the village and the town
19 swapping land?

20 A Again with Frank Palermo.

21 Q And what was the time frame of that?

22 A I'd have to go back and do a little calculation.
23 John Burke passed away. David was supervisor for
24 '16, '17. It would probably be '15.

1 Q In 2015?

2 A Yeah.

3 Q And those discussions were with Frank Palermo?

4 A Yes.

5 Q And at the time was Mr. Palermo a town board
6 member for the Town of Woodbury?

7 A He was acting supervisor. That's why I was
8 talking to him.

9 Q I see. And what was the sum and substance of your
10 discussion at that time with Mr. Palermo?

11 A Well, I wanted the highway department being that,
12 you know, we had the highway department, it was a
13 village function and, you know, I talked to him
14 about doing a land swap. Well, actually at first
15 I talked to him about actually giving the land to
16 the village since it was the highway department.

17 Q Okay. And just so we're clear, and I think your
18 testimony is going to clarify a lot, so when you
19 said that the village had the highway department
20 did the highway department use the garage as part
21 of its function?

22 A Yes.

23 Q And what is stored in that garage generally?

24 A Well, at the far end or the north end that's where

1 we have a repair bay. That's where the mechanic
2 is. He works on all the trucks and everything in
3 there. The rest of the garage, our bays, most of
4 it, I mean obviously we have offices down at the
5 south end, but we have bays that have trucks, you
6 know, equipment, plows, you know, the normal stuff
7 you'd find in a highway department.

8 Q And did the highway department also use that salt
9 shed there?

10 A Yes.

11 Q So what was the idea in terms of the land swap?
12 Why were these areas chosen?

13 A Okay. We're talking about the land swap now.
14 This is -- what we just talked about before wasn't
15 a land swap. It was just having the land come
16 over to the village.

17 Q Right. What I'm focusing on is the initial
18 discussions, the reasons for that type of -- for
19 the land coming over to the village.

20 A Well, one of the reasons was that we needed to
21 expand the garage and we needed to do work. One
22 of the goals were eventually when it was time to
23 replace the salt shed and the salt shed is getting
24 near that point we wanted to reposition the salt

1 shed so it would allow us to expand the garage
2 more or build an annex to the garage on the
3 property.

4 Q And you said that was in 2015, I believe, those
5 discussions with acting Supervisor Palermo?

6 A Well, the actual discussion about exactly what we
7 wanted to do wasn't discussed with Mr. Palermo.
8 That was discussed with the highway superintendent
9 Rob Weyant.

10 Q And was that also in 2015?

11 A Yes.

12 Q And did you have -- did you yourself take part in
13 further discussions in 2016 about this land
14 transaction?

15 A Yes.

16 Q And who were those with?

17 A Well, I always had a lot of conversations with
18 Rob. I spoke to David about it. I spoke to Joe
19 McKay about it. We were involved in discussions.
20 And maybe Tim Arone, Al Fusco.

21 Q I'm going to show you what's been marked as
22 Plaintiff's Exhibit -- well, let me take a look
23 here. I want to show you what's been marked as
24 Plaintiff's Exhibit 6. Would you take a moment

1 and look at that? I'm going to ask you some
2 questions about that. (Indicating).

3 Do you recognize that document?

4 A Yes.

5 Q What do you recognize that to be?

6 A Village board minutes.

7 Q And just for the record these are the minutes of
8 the village board meeting that took place on July
9 27, 2017?

10 A Yes.

11 Q And you were present at that meeting, right?

12 A Yes.

13 Q And I'm going to direct your attention to the
14 bottom of page two and there's an agenda item
15 under II, Old Business, subparagraph B, authorize
16 mayor to sign-land exchange with Town of Woodbury.
17 Do you see that?

18 A On page two?

19 Q The bottom of page two.

20 A Yes.

21 Q And then it carries over onto page three, the top
22 of page three, there was a motion made?

23 A Yes.

24 Q And I'm going to read a portion and then I'm going

1 to ask you a question about it. It says, "Motion
2 was then offered by Trustee Egan, seconded by
3 Trustee Crouse to authorize the mayor to sign any
4 and all documents relating to a property exchange
5 with the Town of Woodbury as follows, upon final
6 preparation, review and authorization by counsel"
7 and then "from the town to the village, section
8 219, block 5, lot 21 and a portion of lot 20 and
9 then it says (highway garage and salt shed)."

10 Do you see that?

11 A Yes.

12 Q Okay. That's the same highway garage and salt
13 shed that you pointed out we've been talking about
14 on Plaintiff's Exhibit 8, is that correct?

15 A That's correct.

16 Q It refers to lot 20 as a portion of lot 20. Do
17 you see that?

18 A Yes.

19 Q Prior to this meeting, the meeting that occurred
20 of the village board on July 27th, 2017, had the
21 board members received a copy of a survey or a map
22 that showed what portion of lot 20 was
23 contemplated?

24 A I believe so.

1 Q Looking at Plaintiff's Exhibit 8, was it a copy of
2 this map?

3 A I don't know exactly what they received. I mean
4 it gets put in their boxes and/or it's e-mailed to
5 them electronically.

6 Q Well, let me ask this. Do you recall providing,
7 you personally --

8 A No.

9 Q -- a copy of the survey map to the village board
10 members --

11 A No.

12 Q -- before the meeting?

13 A No.

14 Q Do you recall putting a copy of the map in their
15 mailboxes before the meeting?

16 A No.

17 Q Let me just finish my question.

18 A Okay.

19 Q Do you personally recall electronically sending a
20 copy of the survey map to the board members before
21 the meeting?

22 A No.

23 Q Do you know if someone else did?

24 A Do I know? No but usually that would be handled

1 by the clerk. Either Jess or Desiree. They would
2 put it in the boxes or they would do it e-mail
3 electronically.

4 Q But with respect to this meeting, July 27th, 2017,
5 do you have any independent knowledge that the
6 clerk actually did that?

7 A No but I don't have any independent knowledge of
8 most things the clerk does.

9 Q Okay. Fair enough. Take a look at the language I
10 just referred you to. We're looking at
11 Plaintiff's Exhibit 6 and part of the language I
12 referred you to said "Upon final preparation,
13 review and authorization by counsel." Do you see
14 that?

15 A Yes.

16 Q After this meeting on July 27th, 2017 do you know
17 if that event, the preparation, review and
18 authorization by counsel actually took place?

19 A To the best of my knowledge, yes.

20 Q Do you know what attorney prepared, reviewed and
21 authorized the transaction?

22 A To the best of my knowledge Joe McKay.

23 Q But Joe McKay at the date of this meeting was not
24 the attorney for the village, was he?

1 A No.

2 Q Well, didn't this motion call for final
3 preparation, review and authorization by village
4 counsel?

5 A I don't see the word village in there.

6 Q Right. But I'm asking you this, these are minutes
7 of a village board meeting, is that correct?

8 A That's correct.

9 Q Yeah. And on the first page I don't see that Joe
10 McKay was present at that meeting, was he?

11 A No.

12 Q And was the village referring this for approval to
13 the town attorney?

14 A Yes.

15 Q And that town attorney was Joseph McKay?

16 A Yes.

17 Q And you believe that Joseph McKay approved the
18 transaction?

19 A Yes.

20 Q Do you believe that he prepared the documentation
21 for the transaction?

22 A Yes. Why would -- I have no reason not to believe
23 that.

24 Q Okay. Do you believe he also authorized the

1 transaction?

2 A Yes.

3 Q And how do you know that?

4 A I don't know it. I'm assuming it.

5 Q Okay. All right. Keep in mind today that you're
6 only testifying from your personal knowledge.

7 A Okay.

8 Q So everything you just told me about what Joe
9 McKay either prepared, reviewed or authorized
10 you're saying you're now assuming that, is that
11 correct?

12 A Well, I had discussions with David Sutz and David
13 Sutz -- we talked about it and, you know, being
14 that it was like an exchange of land within a
15 family we felt there was no reason to waste money
16 on two attorneys when one attorney could handle
17 it. All we needed was an attorney to, you know,
18 review the documents and say it's good to go.

19 Q And did David Sutz tell you that Joseph McKay had
20 reviewed the documents?

21 A Yes.

22 Q Did he tell you that Joseph McKay had prepared the
23 documents?

24 A No.

1 Q Did he tell you that Joseph McKay had authorized
2 the transaction?

3 A Yes.

4 Q Did David Sutz indicate to you who had prepared
5 the deed documents for this transaction?

6 A I believe Laura Breslin prepared the deed
7 documents or --

8 Q Is that what Mr. Sutz told you?

9 A Yes.

10 Q I'm sorry. I cut you off. Were you going to say
11 something else?

12 A Well, you see there was two people that worked on
13 the documents, the survey, and that was Steven
14 Green and Laura Breslin.

15 Q And that's consistent with everything we've seen
16 here. Did you talk to Mr. Green about the deeds?

17 A No.

18 Q The preparation of the deeds?

19 A No. I just talked about the land that was the
20 highway department that should be coming over to
21 the village.

22 Q Did there come a time when you personally walked
23 the land that was being basically subdivided or
24 conveyed with Supervisor Sutz?

1 A Yes.

2 Q Was that on one occasion or more than one
3 occasion?

4 A One occasion.

5 Q Was Mr. Green also present?

6 A Yes.

7 Q If you look at that language I referred you to
8 that says a portion of lot 20 that was part of the
9 motion?

10 A Right.

11 Q When you and Mr. Green and Mr. Sutz walked the
12 property who showed the surveyor where the lines
13 would be as part of the land to be conveyed?

14 A I believe I did.

15 Q And just so I'm clear about that, Plaintiff's
16 Exhibit 8, we're looking at the garage --

17 A Right.

18 Q -- we're looking at the salt shed and there's a
19 line in the middle that says lot line to be
20 deleted, do you see that?

21 A Right.

22 Q And so how did you know where the boundaries of
23 the property to be conveyed would fall?

24 A The fence.

1 Q There's a fence there?

2 A Yeah.

3 Q In the middle of a lot?

4 A No. It goes around the whole highway department
5 except for this portion over here. (Indicating).

6 Q Okay. But when the village board voted on July
7 27th, 2017 those boundaries were not yet known, is
8 that correct?

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

11 Q Do you understand what I'm asking you?

12 A They were known.

13 Q What I'm asking you is this, the actual motion
14 itself that passed referred to a portion of lot
15 20. What I'm asking you is when the village board
16 members voted on it did they know where the
17 boundaries would be?

18 A Yes because it was based on the highway department
19 and I mean to make this simple, it was the fence
20 going around the parking lot of the senior center
21 and the parking lot of the library was to be
22 separated from the highway department and that was
23 understood by everybody.

24 Q Okay. Let me show you what's been marked as

1 Plaintiff's Exhibit 3. Take a moment and look at
2 that and tell me if you recognize it.

3 A Well, I recognize what it is. It's a deed, metes
4 and bounds.

5 Q Just to be clear, on page two of Plaintiff's
6 Exhibit 3 it's a deed with the printed name of
7 David Sutz. Do you see that?

8 A Yes.

9 Q And the signature of David Sutz?

10 A Yes.

11 Q The deed is dated August 18th, 2017 at the top of
12 the deed?

13 A Yes.

14 Q The deed is notarized by Desiree Potvin. Do you
15 see that?

16 A Yes.

17 Q And she serves as both the town and the village
18 clerk, right?

19 A That's correct.

20 Q When this deed was signed --

21 A I'd just point out she doesn't notarize at village
22 hall. Jess does. So if she notarized this she
23 notarized it at town hall. Just as a note.

24 Q Sure. Were you present when this deed was signed?

1 A I don't recall.

2 Q Before this deed was signed by David Sutz and
3 notarized by Ms. Potvin had you seen a copy of the
4 deed?

5 A Yes.

6 Q And who gave you a copy of the deed?

7 A I'm not sure who gave me a copy of the deed.
8 Sometimes things are just on my desk.

9 Q And did David Sutz give you a copy?

10 A I'm not sure who gave me a copy but I did have a
11 copy.

12 Q Did you provide a copy of the deed to the other
13 village board members?

14 A I didn't.

15 Q Do you know if anyone else did?

16 A No.

17 Q And when you saw the deed did you know the deed
18 would be signed, would be recorded in the clerk's
19 office?

20 A Yes.

21 Q Did there come a time when you actually learned
22 that the deed was in fact recorded in the clerk's
23 office?

24 A Was recorded?

1 Q Yes.

2 A Yes.

3 Q When did you learn that?

4 A I don't know the exact date. I believe Laura
5 Breslin told me.

6 Q If you look on the front page of that document --

7 A Yes.

8 Q -- you'll see the clerk recorded the deed on
9 August 29th, 2017. Do you see that?

10 A Yes.

11 Q Was that at or about the time that you learned
12 that the deed had been recorded?

13 A I don't recall.

14 Q Do you recall if you told the village board
15 members that the deed had actually been recorded?

16 A Most likely I did. I mean I don't recall a date
17 or a time and most of the time exchanges with
18 village trustees would happen, you know, in the
19 hallway, walking out to the parking lot, things
20 like that. We didn't really have official
21 meetings due to, you know, open meeting law so we
22 never really kind of got together as a group.

23 Q Okay. I had asked you before and I was reading
24 the language that appears right in the motion, I

1 was asking you who authorized -- what counsel
2 authorized and I believe you said Joseph McKay
3 did?

4 A Yes.

5 Q Do you know if Joseph McKay actually saw a copy of
6 these deeds before they were recorded?

7 A Do I know?

8 Q Yes.

9 A No. I don't know.

10 Q Did you provide him a copy of the deed?

11 A Me personally?

12 Q Yes.

13 A No.

14 Q Do you know if anybody else did?

15 A No.

16 Q I'm going to show you what's been marked -- before
17 I leave Plaintiff's Exhibit 3, take a look at the
18 last page, the last description -- I'm sorry, the
19 last page of the Schedule A description. I think
20 it's the second to last page or --

21 A This page? (Indicating).

22 Q Yeah. Actually maybe if you give it to me I'll
23 find it.

24 A (Indicating).

1 Q I'm looking at the last page of the deed
2 description where it says containing 6.87 acres.
3 Do you see that?

4 A Yes.

5 Q And that refers to an actual survey and the date
6 the survey was done by Steven Green. Do you see
7 that?

8 A Yes.

9 Q It says December of 2016. Do you see that?

10 A Yes.

11 Q Was that -- if you recall was that the month that
12 you walked the property with Mr. Green?

13 A I can't be a hundred percent sure but I think it
14 was at least close to that time.

15 Q Okay. Before the meeting on July 27th, 2017 did
16 you actually receive a copy of a survey map for
17 the property generated by Mr. Green before the
18 meeting occurred?

19 A Yes.

20 Q Did you show that map, you personally, to any of
21 the village board members before the vote was
22 taken?

23 A I might have but I don't know for sure.

24 Q Because the map is not referenced in the minutes

1 of the meeting. I'm trying to find out if it was
2 available or if it was shown to the board members
3 before the meeting. Do you recall?

4 A No. I don't recall.

5 Q I want to show you what's been marked previously
6 as Defendant's Exhibit B. Please take a moment to
7 look at that and tell me if you recognize that
8 document.

9 A Yes.

10 Q What do you recognize that to be?

11 A Town board minutes.

12 Q And just to be clear for the record the town board
13 minutes for February 16th, 2017?

14 A Yes.

15 Q Your name doesn't appear as being present. Do you
16 recall if you attended that meeting?

17 A I don't recall but probably not.

18 Q It indicates in the minutes that the village
19 planning board was in attendance. Do you see
20 that?

21 A Yes.

22 Q Do you know how many members there are on the
23 planning board?

24 A Yes.

1 Q How many?

2 A Five.

3 Q Do you know why the village planning board was
4 attending this meeting of the town board of the
5 Town of Woodbury on February 16th, 2017?

6 A I'm not sure if that's what that means. Normally
7 they would list the people by name. That might be
8 just saying Maria Hunter, Village Planning Board.

9 Q Okay. And Maria Hunter --

10 A Because if you see John Smith, it says Parks
11 Commission.

12 Q I think you're right. I think you're right. That
13 clarifies that. And at that time, February 16th,
14 2017, Maria Hunter was the village planning board
15 chairman?

16 A Yes.

17 Q Take a look at the second page.

18 A Okay.

19 Q Actually that's not what I'm looking for. I'm
20 sorry. Take a look at the middle of the third
21 page. There's a reference to property exchange
22 with village. Do you see that?

23 A Property exchange with village, yes.

24 Q Right. And then there was a discussion there

1 about what we've been talking about, the property
2 exchange, and then it carries over onto the fourth
3 page. There was a vote that was taken?

4 A Yes.

5 Q And it says "A motion was then offered by
6 Supervisor Sutz, seconded by Councilman Hunter to
7 authorize the supervisor to sign the required
8 paperwork to be filed with the county to exchange
9 property from the town to the village and from the
10 village to the town once prepared and reviewed by
11 Attorney McKay." Do you see that? And then the
12 vote failed. There were two in favor and three
13 abstained. Then it says "Councilman Palermo
14 stated he feels this is a last minute discussion
15 that the mayor and supervisor put forward and the
16 board should have time to discuss it."

17 Did you learn of this vote after it took
18 place? The fact that the vote had failed?

19 A Yes.

20 Q Is there anything -- withdrawn. I'm going to show
21 you what's been marked as Defendant's Exhibit C.
22 If you could take a moment and look at that and
23 tell me if you recognize what it is.

24 A Yes.

1 Q What do you recognize it to be?

2 A Town board minutes.

3 Q And just for the record Defendant's Exhibit C is
4 town board minutes of a town board hearing, town
5 board meeting on March 22nd, 2017, and if you look
6 again Maria Hunter of the village planning board
7 was also in attendance?

8 A Yes.

9 Q But you did not attend this meeting, is that
10 correct?

11 A No. My name would be up there if I attended.

12 Q Take a look at the bottom of the first page.
13 There's an agenda item that says II, Old Business,
14 and it says extra item, prefab building at Earl's
15 Reservoir. Do you see that?

16 A Yes.

17 Q And the discussion carries over onto the second
18 page?

19 A Okay.

20 Q And down at the bottom of that carryover
21 paragraph, the third sentence, it reads
22 "Supervisor Sutz noted he invited the village
23 board" members it should be "to attend a meeting
24 once he puts together a packet for both boards

1 with visuals of both properties."

2 Do you see where I was reading?

3 A Yes.

4 Q My question to you is did Supervisor Sutz ever put
5 together a packet with visuals of both properties
6 for the village board and the town board?

7 A I can't recall. We've had several joint meetings
8 where we've dealt with issues of municipal
9 buildings and we might have done that. I just
10 can't recall.

11 Q And keep in mind we're looking at Defendant's
12 Exhibit C. This was from a meeting on March 2nd,
13 2017?

14 A Right.

15 Q Let me ask you this. Between March 2nd, 2017 when
16 Supervisor Sutz indicated he was putting a packet
17 together --

18 A Right.

19 Q -- between that time and when your village board
20 on July 27th, 2017 voted for the transaction did
21 you receive a packet during the interim?

22 A I don't recall. I mean it's very hard for me to
23 determine exactly when we received the package. I
24 receive so much, so many packages, applicant's

1 applications, you know, developments. I mean it
2 goes on and on and on. So there's a good chance I
3 received the packet but I can't recall. I can't
4 recall packages I received last week. So I mean
5 it's inundating so, you know, it's very hard for
6 you to sit there and ask me for a response on that
7 because I can't really answer that question. I
8 might have received a packet, I might not have. I
9 don't know.

10 Q Let me ask you this question and please don't be
11 offended by this because it's considered normal at
12 a deposition. Are you taking any kind of
13 medication which would affect your memory or your
14 ability to recall?

15 A I could be.

16 Q Are you taking anything?

17 A I'm taking medication, yes.

18 Q Does it affect your ability to recall?

19 A Well, it -- I think some of the medication does
20 from what I read on it, it makes me tired. Things
21 like that.

22 Q Okay. Have you ever had a problem with your
23 memory in the past?

24 A Somewhat. I had a heart attack like four, five

1 years ago and I've been on medication ever since.
2 I've also had, you know, some kind of something
3 going on with my head but I seem to function all
4 right. I went to a neurologist. They checked me
5 out. They seen there's no ill effects.

6 MR. GOLDEN: Yeah. I'm going to
7 direct the client that he doesn't need to
8 answer anything more with respect to --

9 MR. MAHON: I'm not going to ask
10 anything more, Rick.

11 MR. GOLDEN: Okay.

12 BY MR. MAHON:

13 Q You were here when Maria Hunter -- strike that.
14 You were here when the village clerk Desiree
15 Potvin testified just a little while ago, is that
16 correct?

17 A Yes.

18 Q At least you heard the tail end of her testimony,
19 is that correct?

20 A Yes.

21 Q She referred to a meeting, I won't call it a
22 meeting, she referred to an occurrence at which
23 you and Supervisor Sutz and Desiree Potvin and
24 Maria Hunter were present. Do you recall that

1 testimony?

2 A Yes.

3 Q And do you recall that she stated that there was a
4 map that was presented to Maria Hunter which she
5 refused to sign. Do you recall that?

6 A I recall her saying that, yes.

7 Q Okay. Did such an incident take place?

8 A I don't recall her being presented with a map. I
9 recall me asking her to sign the map.

10 Q Okay. And the map wasn't present?

11 A No. I don't think it was.

12 Q And just to be clear when you asked Maria Hunter
13 to sign the map Supervisor Sutz was there?

14 A He was outside, I think. Right outside the door.
15 In the vicinity.

16 Q Right. But he wasn't in the same room?

17 A Well, we were kind of -- I was sitting there in
18 the clerk's office by the door. I think Maria
19 hunter was standing there. I think Desiree was at
20 her desk. I think Sutz was bouncing around
21 somewhere. I mean it wasn't like any kind of
22 official meeting. We were all in the general
23 vicinity.

24 Q Okay. And if you recall what was the sum and

1 substance of what you said to Maria Hunter at that
2 time?

3 A I asked her to sign the maps for the swap.

4 Q And what was her response?

5 A She said I'm not going to sign no maps. You
6 didn't come in front of my board.

7 Q Is there anything else she said?

8 A No. She just said you didn't come in front of my
9 board. I'll have to check with my attorney or
10 something like that.

11 Q Did you make a response to her when she said that?

12 A I said okay.

13 Q And was there anything else you said?

14 A No.

15 Q Okay.

16 A I expected that response from her.

17 Q Why?

18 A Because Maria has this elevated opinion of herself
19 and she thinks everything should come in front of
20 her planning board.

21 Q Okay. Do you recall when this conversation took
22 place, approximately?

23 A I don't remember the exact date. It was probably
24 during the summer.

1 Q Okay.

2 A Around the time this was all happening.

3 Q Right. And so in relation to the village board
4 meeting on July 27th, 2017 was it after that
5 meeting?

6 A I can't recall.

7 Q Did you ever have any further conversations with
8 Maria about that topic?

9 A No.

10 Q After you learned that Maria would not sign did
11 you go outside and talk to David Sutz about it?

12 A No.

13 Q Did you and David Sutz ever have a conversation
14 about the fact that she would not sign the maps?

15 A I mean I might have. I don't recall. I know in a
16 conversation with Laura Breslin, Laura Breslin
17 said, well, we could file the maps without her
18 signature.

19 Q Did Laura Breslin say that to you when you were
20 speaking with her in her office?

21 A I wasn't in her office. I think I was in
22 Desiree's office when that conversation took
23 place. It might have been actually a little bit
24 after the conversation with Maria.

1 Q And when you were talking with Laura Breslin about
2 this, signing the maps and not needing Maria's
3 signature -- I mean filing the maps and not
4 needing Maria's signature was there anybody else
5 present with you?

6 A There was somebody there. It might have been
7 Desiree. There might have been somebody else in
8 her office. I mean I was in Desiree's office
9 during that conversation. There's a little room
10 right outside, Joe is well aware of it, a lot of
11 the employees eat lunch there. I might have been
12 out there when I was talking to Laura or we might
13 have been just finishing up lunch when the
14 conversation happened.

15 Q Well, when Laura Breslin told you that did you
16 mention that to Supervisor Sutz?

17 A Probably.

18 Q Do you know after you learned that you didn't need
19 to have Maria Hunter's signature do you know who
20 took care of actually recording these deeds?

21 A I believe it was Laura Breslin.

22 Q When I say took care of, she's the one that sent
23 them out to the Orange County Clerk's office for
24 recording?

1 A Yes.

2 Q I may have asked you this before. Forgive me if I
3 did. Did Laura Breslin actually prepare all or
4 part of the deeds?

5 A That would have been more of a question for David.
6 That was more of an internal town thing.
7 Technically Laura worked for the town.

8 Q Now, when you had this conversation with Maria
9 Hunter --

10 A Right.

11 Q -- and when you had this conversation with Laura
12 Breslin, did you relate any of these conversations
13 to Joe McKay?

14 A Probably not.

15 Q Do you know if David Sutz did?

16 A No. I don't know.

17 Q Do you know if Laura Breslin showed the deeds to
18 Joseph McKay before they were sent to the clerk's
19 office for recording?

20 A I don't know that.

21 Q Okay.

22 MR. MAHON: Why don't we take a short
23 break and then we'll finish up? I don't
24 have much more.

1 (Discussion off the record.)

2 BY MR. MAHON:

3 Q I just have a few more questions for you.

4 A Okay.

5 Q There was testimony earlier that there were two
6 meetings held at different restaurants, Mario and
7 Napoli at which you and Supervisor Sutz and
8 Desiree Potvin and Joseph McKay were present. Do
9 you recall those meetings?

10 A Yes.

11 Q Do you know when those meetings took place?

12 A 2016.

13 Q And let's take the meeting -- I don't know if they
14 blend together in your mind but let's take the
15 meeting at Mario's first. Do you recall what was
16 the sum and substance of your discussions at that
17 meeting?

18 MR. GOLDEN: Limited to the
19 particulars of the land swap or anything
20 that was discussed?

21 Q The land swap.

22 A Well, we did talk about the land swap, we talked
23 about the municipal building and probably other
24 things, too.

1 Q And at that meeting did you have copies of the
2 survey at that time?

3 A No but we talked about surveys and getting surveys
4 and stuff. I can't remember which meeting. There
5 were discussions on that and --

6 Q In working on this transaction did anyone ever
7 suggest that you needed to have legislative
8 approval for the village or the town to convey its
9 property?

10 A No.

11 Q That was never discussed with you and you never
12 discussed that with anyone else?

13 A No. I didn't hear anything about that until I
14 read it in the documents prepared or the court
15 documents prepared by this firm.

16 Q The complaint?

17 A Right.

18 Q Do you know who Al Fusco is?

19 A Yes.

20 Q And who is he?

21 A He's the engineer for the town.

22 Q Did you discuss the land swap with Al Fusco?

23 A Some of it.

24 Q What was your discussion with him?

1 A That was the lot -- this lot over here.

2 (Indicating).

3 Q You're indicating on Plaintiff's Exhibit 8 --

4 A I'm sorry.

5 Q -- you're indicating lot number 20?

6 A Yeah.

7 Q What did you talk with him about?

8 A Well, I know Tim Arone, Councilman Arone was
9 concerned about the value of that land and it was
10 coming over to the village. I guess he was
11 concerned about the value and, you know -- so I
12 knew that it had a lot of problems with drainage
13 and things like that so I think I talked to Al
14 about, you know, explaining that -- because Tim
15 Arone said at a meeting, I'm not sure which
16 meeting, but said at a meeting that if Al says --
17 you know, or we wanted Al to give an opinion on
18 the land so, you know, I asked Al could you give
19 Arone an opinion on the land and I'm not quite
20 sure how that all transpired but that was the gist
21 of it, and Al gave an opinion on the land,
22 basically said what I said about, you know, having
23 drainage problems, it wasn't really worth that
24 much and Tim then was okay with that being part of

1 the swap.

2 Q Okay. I showed you previously the minutes of the
3 town board meeting on July 20th, 2017 and then a
4 week later the minutes of the village board
5 meeting on July 27th, 2017. Do you recall that?

6 A Yes.

7 Q And at both meetings there were motions made and
8 in both of those motions the following language
9 was included, "Upon final preparation, review and
10 authorization by counsel." Do you recall that?

11 A Yes.

12 Q I'm not sure I asked you this before but if I did
13 please bear with me. Did there come a time when
14 David Sutz said we've got the review, the
15 authorization by counsel, we're good to go or
16 words to that effect?

17 A Could you repeat that?

18 MR. MAHON: Could you read that back?

19 (Record read.)

20 A Yes. Words to that effect. Something to the
21 effect that we're good to go.

22 BY MR. MAHON:

23 Q Indicating that the contingency of getting the
24 authorization by counsel had been satisfied?

(Michael F. Queenan)

1 A That was my interpretation.

2 Q And did he indicate the legal counsel who gave
3 that authorization?

4 A I -- no.

5 Q Did you have an understanding of who he meant?

6 A I would assume Joe McKay.

7 Q Did he use the words Joe McKay?

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

9 Q Do you recall if Supervisor Sutz consulted with
10 any other attorney concerning this transaction?

11 A Not to my knowledge.

12 MR. MAHON: I don't think I have any
13 further questions, Rick, unless you have a
14 question.

15 MR. GOLDEN: I do.

16 BY MR. GOLDEN:

17 Q Mayor Queenan, there was testimony earlier this
18 week by Maria Hunter in which she was asked for
19 the reason that she thought that she was not
20 reappointed as planning board chairperson and she
21 responded in words to the effect that it was
22 because of her refusal to sign a map in 2017.

23 So my question to you is was that the reason
24 that Maria Hunter was not reappointed at the end

1 of her natural term as planning board chairperson?

2 A No.

3 Q What was the reason?

4 A We had a lot of -- I don't want to say -- a lot of
5 issues with some of Maria's conduct, decorum, how
6 she conducted herself. She was too -- she was
7 inappropriate with the applicants in showing
8 favoritism to some applicants and not showing
9 favoritism or treating other applicants badly.
10 There was a lot of dissention on the planning
11 board. There was a lot of trouble, interfighting
12 on the planning board. It was going south fast.
13 Maria used to go to other meetings, ZBA meetings
14 and make statements. We had representatives for
15 the county just recently before the decision was
16 made there about a winery in Woodbury and, you
17 know, Maria made derogatory statements to county
18 personnel and, you know, it was just getting to
19 the point where, you know, a lot of times there
20 was, you know, embarrassing situations or
21 outbursts by Maria and -- but the main thrust was
22 the fact that -- the infighting on the planning
23 board. There was a lot of, you know, fighting.
24 So, you know, the board decided that, you know, it

1 was time for a change because most of the time,
2 you know, it was inappropriate the way she
3 conducted herself. She wasn't acting like a
4 chairman.

5 MR. GOLDEN: Thank you. I have no
6 further questions.

7 MR. MAHON: I don't have any
8 questions. Thank you.

9 (Whereupon, the examination of
10 Michael F. Queenan was concluded.)

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EXHIBITS MARKED FOR ID:

(None)

INFORMATION TO BE SUPPLIED/FILLED IN:

(None)

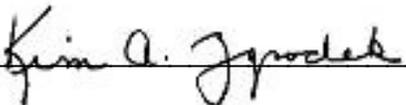
QUESTIONS MARKED FOR RULINGS:

(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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