

Office of the Supervisor



Town of Liberty Government Center
120 North Main Street • Liberty, New York 12754

Frank DeMayo
Supervisor

Nick Rusin
Confidential Secretary

supervisordemayo@townofliberty.org

www.townofliberty.org

TEL: 845-292-5111

n.rusin@townofliberty.org

Fax: 845-292-1310

November 5, 2021

Hand Delivered to the Sullivan County Government Center

Sullivan County Legislature
County Government Center
100 North Main Street, PO Box 5012
Monticello, NY 12701

RE: Town of Liberty Board of Assessment Review
Meeting of November 2, 2021

Dear Members of the Sullivan County Legislature:

This correspondence is to make you aware of events that occurred at the Town of Liberty Board of Assessment Review meeting which occurred on November 2, 2021. Please understand, the purpose of this letter is to make you aware of the inappropriate and unprofessional actions of certain County employees at this meeting and is not intended to address the underlying legal issues with regards to the taxable status of the Sunset Lake Local Development Corporation. The county employees who showed up unannounced and without an appointment were County Attorney Michael McGuire, Assistant County Attorney Robert Freehill, Assistant County Manager Michelle Huck and County Legislature Chairman Robert Doherty.

I will not delve into the specifics of what the Town of Liberty Assessor, Town Clerk, Board of Assessment Review ("BAR") members and I observed and participated in at this meeting. I will say the subject matter brought forward by Mr. McGuire was about the taxable status of the property owned by the Sunset Lake Local Development Corporation. The enclosed documents that memorialize the events will speak for themselves. Upon your review of these documents, I would hope you concur that the actions of these individuals were unprofessional, condescending, an attempt to intimidate, disrespectful, unethical and completely inappropriate.

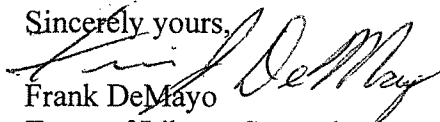
At no time will the Town tolerate such inappropriate actions by anyone, and the Town Board and I will defend and protect to the best of our ability all employees of the Town of Liberty should they feel threatened by actions as was displayed by the County employees.

Additionally, I don't understand that if Mr. McGuire was so concerned about the legalities of the taxable status of the LDC property all this time, why wouldn't he contact the Town Attorney, Ken Klein at some point rather than blind side the Assessor and the BAR? I verified with Mr. Klein that at no time did Mr. McGuire contact him to discuss the issue.

While I understand that the public may enter Town Hall and other buildings owned by the Town during working hours or at other times deemed appropriate, it is Town policy for anyone entering Town Buildings that they present themselves in an appropriate manner. Any activity by those entering Town facilities deemed inappropriate will result in individuals being asked to leave and or to be escorted out. Should an individual refuse to leave upon such an event, the Village of Liberty Police will be notified and will act accordingly. These actions would include the individuals who showed up unannounced on November second.

Short of a demand, I would hope the County employees who showed up on Tuesday, by their own volition, would apologize personally to each one of the Town employees. If they don't, I would expect the County Legislature to conduct their own investigation and take appropriate action, whether it be disciplinary or otherwise, to be sure that no one, whether it be the public or all Town employees throughout the County, be subject to such deplorable tactics as demonstrated by the four County employees.

Sincerely yours,



Frank DeMayo
Town of Liberty Supervisor

Cc: Nadia Rajsz - Sullivan County Legislator
Michael Brooks - Sullivan County Legislator Vice Chair
Nicholas Salomone, Jr. - Sullivan County Legislator
George Conklin III - Sullivan County Legislator
Alan Sorensen - Sullivan County Legislator Majority Leader
Luis Alvarez - Sullivan County Legislator
Joseph Perrello - Sullivan County Legislator
Ira M. Steingart – Sullivan County Legislator Minority Leader
Robert Doherty - Sullivan County Legislator Chair
Michelle Huck - Sunset Lake Local Development Corporation Secretary/Treasurer
William Chellis - Sunset Lake Local Development Corporation Vice Chairman
Albee Bockman - Sunset Lake Local Development Corporation Board Member
Joshua Potosek - Sunset Lake Local Development Corporation – ex officio Member
Lowell Feldman – Sunset Lake Local Development Corporation Chairman
Ken Klein, Esq – Town of Liberty Attorney
Michael McGuire, Esq – Sullivan County Attorney
Scott Beach, Esq – Sunset Lake Local Development Corporation Attorney
Robert Freehill, Esq – Assistant Sullivan County Attorney
Laurie Dutcher – Town of Liberty Clerk
Vanessa Kelder – Town of Liberty Assessor
Alan Welau – Town of Liberty BAR Chairperson
Diane Silver – Town of Liberty BAR Member
Peter Dworetzky – Town of Liberty Member
Dean Farrand – Town of Liberty Councilman
Brian McPhilips - Town of Liberty Councilman
Vince McPhilips - Town of Liberty Councilman
Maurice Gerry - Town of Liberty Councilman



Assessor's Office
120 N. Main St
Liberty, New York 12754

November 4, 2021

At approximately 4:05 on November 2, 2021 I walked down from my office to have an end of year BAR meeting to close up remaining business. Allen Werlau was present at the table and shortly thereafter Diane Silver arrived followed by Michael McGuire and an unknown gentleman and a woman.

Soon therefore after I tried to call Frank DeMayo and Ken Klein to make sure I didn't need council with me. We did not connect at that time.

Another gentleman whom I did not know knocked on the door at Town Hall and I asked him "how can I help you?" since the door was locked as the office closes at 4:30. The gentleman proceeded to walk past me as I tried to introduce myself as the assessor. He then stated "I'm the legislator you stupid c---." (a word I will not write as it is so offensive but it is commonly called the "c" word). He continued to walk away towards where the meeting was being held. I later learned it was Mr. Doherty.

Mr. McGuire, the unknown gentleman and Mr. Doherty were there in suits. The woman was dressed in professional office attire. They had briefcases and were very intimidating by their attire and body language. The woman was so bold as to enter another office without asking permission to get a chair. Everyone sat down except for Mr. Doherty.

Mr. McGuire immediately started screaming, demanding me to write a letter stating he represents the county and deserves a letter that he doesn't have to pay the January 2021 Omit bill. BAR member Diane Silver stopped Mr. McGuire and asked him why he was present. Mr. McGuire stated "He was invited by us with a letter and was allowed to be there." This is simply not true.

I again reached out to Supervisor DeMayo and Town Counsel to ask what to do. After multiple phone exchanges, counsel advised to listen and ask them to submit documentation for whatever it was they were there for and tell them they will take the information and discuss further with counsel and possibly the Town Board.

Mr. McGuire then proceeded to state in a high intimidating voice and demeanor to BAR chair Alan Werlau that the "Assessor is stupid" Mr. McGuire continued to direct the conversation to

Mr. Werlau attempted to order him to direct me to do something. Mr. McGuire made no eye contact with me the whole time. The only time I received eye contact from him was when he gave me an uncomfortable childish smirk that was witnessed by the other BAR members.

Mr. McGuire was asked multiple times by Mr. Werlau to stop and leave since we had no counsel present. He stated "Well you had enough time to have Council present". At some point I did get in contact with Mr. DeMayo and Town Counsel and, upon their advice I stated to Mr. McGuire to say what he had to say and then leave.

Mr. McGuire continued name calling, bullying, displaying disrespect and acting in an extremely unprofessional manner. Mr. Werlau stated multiple times if he continues to be disrespectful the Assessor and Board of Assessment Review members will order Mr. McGuire and his associates to leave. Mr. McGuire kept hounding Mr. Werlau to direct me to do what he says and continued to try to intimidate the BAR members and myself. Mr. McGuire was grilling me as if I were on trial.

At about 5:35 Mr. Werlau said enough is enough and directed the four individuals to leave. As Mr. McGuire was leaving, he once again continued his bullying, intimidating tactics and again directed the BAR to force me to write a letter stating the county doesn't have to pay the omit tax for January 2021 and said "I represent the County and I don't care what media has to say."

During the entire ordeal I made sure I spoke to McGuire directly and as professional as I could under the circumstances that I was under. I made sure the BAR members did not answer anything that they didn't understand. The BAR members made sure I got my point across professionally. Every time I stated a fact, Mr. McGuire would raise his voice, stand up and put his hands on the table in an intimidating fashion. Mr. McGuire tried to stand over me and talk over me in a manner that anyone would feel bullied and intimidated.

I'm still confused as to why Michelle Huck, Robert Freehill and Mr. Doherty were there since they did not participate in the conversations. In my mind this was just an effort to enhance their intimidating tactics.

I was humiliated by how I was treated by the County Attorney and was made extremely uncomfortable and felt intimidated by Michelle Huck, Robert Freehill and Mr. Doherty's presence, especially since they didn't contribute anything to the conversation. They wouldn't even challenge Mr. McGuire regarding his demeanor and treatment of the BAR members and I. I would think that at the very least Mr. Freehill as an attorney would say something to Mr. McGuire as he pressed his attack and abuse of me every chance he had.

I also felt discriminated against as a woman since Mr. McGuire kept looking to Mr. Werlau and occasionally Mr. Dworetzky for answers when they clearly had none since they were unaware of any of the issues Mr. McGuire brought to the table. He never tried to make eye contact with me nor direct anything verbally towards me directly. Communications were consistently directed towards the two men at the table.

These are my highlighted recollections of the key events from the BAR meeting of November 2, 2021.

Vanessa Kelder

Assessor - Town of Liberty

A handwritten signature in black ink that reads "Vanessa Kelder". The signature is written in a cursive style with a large, prominent initial "V".

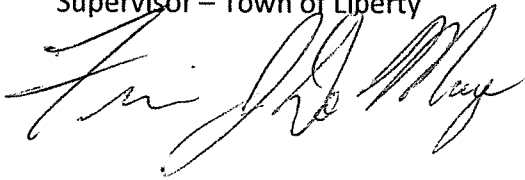
This is my recollection from the events that occurred at the Board of Assessment Review (BAR) Meeting of November 2, 2021.

I received a call from our Assessor, Vanessa Kelder at 4:31pm. After multiple attempts to connect, Vanessa and I spoke on the phone at 4:32. Vanessa advised that counsel for the County, Mike McGuire and others came to the meeting unannounced and asked what she should do. I advised that I would call the Town's counsel, Ken Klein for advice. Ken and I spoke at 4:33 and he advised to have Vanessa just take the information from McGuire and that she will get back to them after consultation with Town Counsel and possibly the Town Board. I called Vanessa back at 4:34 and advised her as Ken had instructed. She asked that I please have Ken call her. I called Ken back at 4:37 and asked that he call Vanessa and said he would. I then received a call and called back Town Clerk Laurie Dutcher at 4:38. Laurie suggested that I come down to Town Hall as Mr. McGuire and others were there and were very loud and sounded intimidating and condescending to the Assessor and BAR. I advised that I couldn't get there at the time but I had spoken with Ken and Vanessa. I asked Laurie to put Mr. McGuire on the phone. I asked him what they were doing there and he stated they had every right to be there. I then said that we had no idea he and others were coming to the meeting and doesn't he think it would be appropriate to have given us notice so that we could have counsel present. Mr. McGuire ignored my statement and just restated that they had every right to be there.

Respectfully submitted

Frank DeMayo

Supervisor – Town of Liberty

A handwritten signature in cursive script, appearing to read "Frank DeMayo". The signature is written in black ink and is positioned below the typed name and title.

November 4, 2021

To Whom It May Concern,

On November 2, 2021 at approximately 4:15 p.m. Mike McGuire, Attorney for the County, and another gentlemen, whom I did not know, came to my door and told me that they had an appointment with the Assessor and Board of Assessment Review. I advised them that they were at the table in the other room. Soon after Mr. McGuire arrived, a woman arrived and she went straight back to where they were in the dining room. I could hear Mr. McGuire talking very loud and condescending and trying to intimidate the Assessor. A few minutes later Mr. Doherty, Chairman of the County Legislature, came in and went back also. I could hear the conversation and again Mr. McGuire was very loud, talking very fast in a condescending and intimidating voice. The assessor then came into our office and expressed her hesitation & uneasiness on not having the Town's counsel here with all these people from the county trying to intimidate her. She went back out and I decided to call our Supervisor Frank DeMayo. Mr. DeMayo was not happy that they just came without any invitation or notification and asked to speak to Mr. McGuire. He spoke with him and shortly after I left to go home.

Sincerely,

Laurie Dutcher,

Liberty Town Clerk

November 4, 2021

On Tuesday, November 2nd I was scheduled to meet with Assessor Vanessa Kelder and fellow BAR members, Allen Werlau and Peter Dworetzky, to finish up our final meeting for the year.

When I arrived I was told that representatives from the County were there to discuss a matter with us and no further information was given as to what they intended to speak to us about. Michael McGuire (County Attorney) was accompanied by Robert Freehill (Assistant County Attorney), Michelle Huck (Assistant County Manager) and Robert Doherty (Chairman of the County Legislature).

I was surprised to see that 4 representatives needed to attend our meeting . They arrived dressed in professional attire, at least one carrying a briefcase, and they gathered together on one side of the room. Michael proceeded to set up a stand on the table and immediately started to discuss a situation without any background information. I stopped him to state that we had no knowledge as to what he was talking about. It was at that time that we found out that he was there to discuss the Adult Care Center.

As Michael continued I was further baffled by his very strong demeanor and insistence that they had a right to be there, even when they were told by our Assessor and Chairperson that we did not have our attorney present and the meeting needed to end. Michael insisted on proceeding with his agenda and was at times forceful at his attempt to get information from Vanessa. She had facts that did not correspond with Michael and he became irritated at her for not agreeing. He spoke in a condescending, disrespectful and demeaning manner in order to bully Vanessa into doing what he wanted. His goal, as we learned, was to get Vanessa to provide a letter to him that the Adult Care Center was tax exempt for 2021.

I found myself very unsettled at this meeting and totally blindsided by their attempt to address a matter to the BAR that was not previously before us. If we were given the opportunity to prepare we would have had the Town Attorney present. It was my impression from the onset that it was a performance of intimidation. I was further astonished by the tone and rudeness that Michael displayed towards Vanessa throughout their time there. He was nasty and rude to her and directed Allen to make her do what he wanted.

As a local resident and a member of the BAR, I was totally surprised at what took place by representatives in our community. Tactics of intimidation and bullying should never be tolerated under any circumstances.

Diane Silver

A handwritten signature in cursive script that reads "Diane Silver". The signature is written in black ink and is positioned below the typed name.

BOARD OF ASSESSMENT REVIEW - Town of Liberty

10/2/2021 MEETING AT 4:15pm AT THE
TOWN OF LIBERTY TOWN HALL AS PREVIOUSLY
PLANNED

WE PLANNED THIS MEETING TO REVIEW AND
SIGN A FEW DOCUMENTS FROM THIS YEAR'S
GRIEVANCE DAY ADJUSTMENTS

UPON MY ARRIVAL (APX. 4:05) I SAT AT THE
CONFERENCE TABLE WHERE WE HOLD OUR MEETINGS
THE DOOR OPENED AND MIKE McGUIRE CAME IN
AND ASKED ME "IS THIS WHERE THE MEETING IS
GOING TO TAKE PLACE?" I ANSWERED YES, BUT
HAD NO CLUE WHAT MATTER AHEAD OF US WOULD
INVOLVE HIM. HE WENT INTO THE OFFICE OF
THE SUPERVISOR'S RECEPTIONIST WHERE HE WAS
JOINED BY 3 MORE PEOPLE - ROBERT FREEHILL -
MICHELLE HUCK AND ROBERT DOHERTY
DIANE SILVER AND PETER DWORETSKY ARRIVED
AND VANESSA SHORTLY THEREAFTER - WE ALL ASKED
WHY MIKE + 3 WERE THERE AND NONE OF US KNEW

WE ALL TOOK A SEAT (EXCEPT FOR BOB DOHERTY
WHO CHOSE TO STAND)

MIKE McGUIRE UNFOLDED A STAND FOR HIS TABLET
& STARTED IMMEDIATELY GRILLING VANESSA - ASKING
DEMANDING THAT WRITE A LETTER REVERSING HER
PREVIOUS DECISIONS ETC ETC. DIANE STOPPED HIM
& ASKED HIM TO TELL OUR BOARD WHAT THIS WAS

ALL ABOUT HE (MIKE) THEN PROCEEDED TO TELL US THAT THEY WERE ALL THERE BECAUSE WE INVITED THEM. (THAT NEVER HAPPENED) HE THEN PROCEEDED TO TELL US THAT THE COUNTY SOLD THE INFIRMARY TO AN LDC AND THAT THE COUNTY IS OVERSEEING THE OPERATION USING VOLUNTEER HE SAID THAT THEY WANT THE SCHOOL TAXES THAT THEY PAID TO BE RETURNED AND THAT THE LDC IS COMPLETELY TAX EXEMPT.

HE (MIKE) GOT LOUDER AND WAS NOT NICE OR RESPECTFUL TOWARD VANESSA. I STOPPED HIM TWICE AND WE (BAR + VANESSA) ASSURED THEM THAT THEY WERE GETTING NOTHING FROM US. WE ALSO TOLD THEM NUMEROUS TIMES THAT WE WANTED COUNSEL & HE SAID THAT WE HAD PLENTY OF OPPORTUNITY TO OBTAIN COUNSEL. I FINALLY ENDED THAT PORTION OF THE MEETING - THEY LEFT EMPTY-HANDED & WE HANDLED THE BUSINESS THAT WE CAME TO DO

assessor

From: peter dworetsky <pdworetsky@yahoo.com>
Sent: Wednesday, November 03, 2021 8:11 PM
To: assessor
Subject: Re: Statement and meeting for November 2,2021

The was a lot of jargon last night and I felt like we circled around things with a different story often. I did the best I could with remembering everything.

Here is what I remember:

As I arrived at the Board of Assessment Review meeting, County Attorney Michael McGuire sat down without notice and introduced the gentleman, the retired judge who was taking time out of his day to be present, the Deputy County Manager, and a legislator. McGuire immediately demanded that the assessor return the Adult Care Center on Sunset Lake Road back to tax exempt status. The members of the BAR, including myself were very confused when McGuire began as we had no understanding of his purpose there. McGuire made the comments that it is the Town of Liberty's burden to make sure they have an attorney present, therefore Vanessa said she would not speak without counsel as she wasn't aware they were coming to the meeting today. Regardless, McGuire continued on and made reference to \$1.3 million that the county made off the sale of the Adult Care Center, yet Sullivan County was still paying all the salaries and expenses of the facility. The entire matter was pretty confusing as law jargon was being used frequently. If I understood correctly, the property went back on the roll after the December 2020 sale and Sullivan County paid the \$262,000 in school taxes and now wanted that to be returned. McGuire referred to the parcel of land as 26.1 but Vanessa said it was 26.6, and McGuire changed to 26.6 without showing the document. The specific piece of land was not something that the Town allowed as an exempt status. I was embarrassed for Michael McGuire and that he is the person who represents my county as the attorney.

Please let me know if you need anything else.

Pete