

From: Marcel Nagele marcelnagele@hotmail.com

Subject: Re: Possible MOU with Selina Woodstock

Date: June 4, 2020 at 7:52 AM

To: supervisor@woodstockny.org

Cc: Jackie Earley jearley@woodstockny.org, Richard Heppner rheppner@woodstockny.org, rjearls@woodstockny.org, Lorin Rose lorinrose@woodstockny.org, Laura Ricci lricci@woodstockny.org, Robin robinyoungsears@gmail.com, Jimmy Cohen jdiamondcohen916@gmail.com, Peter Cross pcross@woodstockny.org, Stuart Lipkind slipkind@woodstockny.org, John LaValle jlavalle@woodstockny.org, Judith Kerman jkerman@woodstockny.org, Connor Wenk cwenk@woodstockny.org, Brian Normoyle bnormoyle@woodstockny.org, James Conrad jconrad@woodstockny.org, Maria Mendoza mmendoza@woodstockny.org, Michael Castiglione mcastiglione@woodstockny.org, Gordon Wemp gwemp@woodstockny.org, James Armstrong jarmstrong@woodstockny.org, Jude Sillato jsillato@woodstockny.org

Bill,

Everything in this entire email is presented as my very own opinion, every single word. As an elected Official it's not only your responsibility but also the responsibility of the full Town Board to exercise due diligence and verify information.

Over two weeks since my email below asking for answers and still no response. So, I'll take a moment to remind how we ended up where we are currently with the Selina matter. Initial certified mail contacts by James Cohen to the Building Inspector, and a subsequent contact to you in early 2018 were ignored. Lessons for some are hard learned, yet here I am once again, ignored. Even the simplest questions ignored by elected Town Officials. While difficult to know if inaction is of arrogance or complete disregard of taxpayers for whom you and the Town Board work, neither are acceptable. What is amazing is the entire staff of town office employees have all been very knowledgeable and helpful over the past two years. They get "customer service" because they understand they work for the taxpayer.

Is this current lack of communication and the pending MOU with Selina a collaborative underhanded effort on the part of some elected Town Officials to circumvent due process? Make no mistake the Town Board is to give direction to the Supervisor, not the opposite. Individual Town Board Members should take notice of this obvious fact as they've been routinely copied on extensive correspondence of this matter. Through this two plus year process I've often found attempts to preserve plausible deniability on part of certain Town Officials to be nothing short of laughable.

Some opinions may be the Stop Work Order issued in 2018 was lifted by the Building Inspector/ZEO properly. However, further opinion is the violation which is documented photographically and through satellite imagery hasn't miraculously vanished with the "flip of a switch". The only method to correct the violation is full site plan review prior to issuance of permit to correct the violation. I've FOILED for the Building Permit Record from the Building Department and have been advised "The building department has had no communication in any form from Selina or its former owners in a year". Therefore, opinion is after extensive unpermitted modification which resulted in the Stop Work Order the site doesn't have an approved parking lot and can't be utilized for such. Additionally, understanding building permits for buildings #1, #2, #8, and the main lodge/restaurant for building modifications were rescinded during construction and prior to issuance of Certificates of Occupancy, one must reasonably ask how Selina could possibly be permitted to occupy two of these four buildings as requested and apparently being considered in an MOU? About that MOU, isn't it just a guise for a Temporary

Certificate of Occupancy? Didn't a Planning Board member even use the term "Temporary Certificate of Occupancy" in a recent Planning Board meeting and then awkwardly correct himself? Isn't this member the same member who proposed a Temporary Certificate of Occupancy last year? Didn't attorney John Lyons and MDRA Associates conclude a Temporary Certificate of Occupancy can't be provided?

Additionally, contrary to what was reported at the Town Board meeting of May 19, 2020, the Town didn't challenge the issuance of the above building permits. Contiguous property owner James Cohen and I hired an attorney, and with my extensive assistance we challenged the issuance of building permits by filing for an interpretation from the ZBA which rescinded the permits. The Planning board hasn't had the opportunity of full review which is the requirement. Neither the Planning Board or the ZBA can be blamed for the current situation. Who does that leave to blame?

Opinion is an honorable Town Board must consider some neighboring taxpayers were wrongly forced to expend substantial energy and legal expense to force compliance of this site and protect themselves from injury and potential devaluation due to improper actions and inaction of certain Town Officials. I'll further my opinion, certain Town Officials did very little to help us, and at times diminished our efforts with misinformation and talk of action which was unrealized. Additionally, Selina has sustained lost revenue and added legal expense because had the permits not been wrongly issued they would have been allowed to operate fully as the former owner was allowed until after navigating the site plan approval process instead of being shut down. Most importantly, infringed upon taxpayers would have been protected from day one if due process were adhered to and not compromised by Officials.

No effort or action on the part of the Town Board should attempt to bypass the dedicated volunteers of the Planning Board, not even an Article 78 proceeding or threat of such. Such an action of bypass would also undermine the ZBA decision as this board knew full well their decision would require full site plan approval prior to work commencing. Should an effort of bypass materialize this action would only serve Selina's benefit and such action is a vote of no confidence in Planning Board ability on part of the Town Board. My opinion will be such bypass action is devious and nefarious. It's also rumored an Executive Order allowing restaurants to bypass site plan review by the Planning Board is being considered. How would this apply to Selina?

In private enterprise people involved in the mishandling of a project to the degree present in this matter would have lost their job, and insurance of the legally responsible entity could be activated to make parties whole of damages. However, opinion is in this municipal matter additional effort and legal expense is expended and incurred by the Town unnecessarily, which is paid for by taxpayers, to protect one or more Official all the while again sacrificing the infringed upon taxpayer. The correct action of Town Officials is not to circumvent and control proper process, instead let Selina take action to recoup valid losses through Town insurance. Selina should be forced to go through full site plan review process without exemption from process, and without interference by yourself and the Town Board. Paramount responsibility is protecting neighboring taxpayers from further expense, time loss, and potential devaluation of real

property and quality of life. In short, you and the Town Board should be honorable and let the Town own the mistake.

Marcel Nagele

From: Marcel Nagele <marcelnagele@hotmail.com>

Sent: Thursday, May 21, 2020 6:59 PM

To: supervisor@woodstockny.org <supervisor@woodstockny.org>

Cc: Jackie Earley <jearley@woodstockny.org>; Connor Wenk <cwenk@woodstockny.org>; Richard Heppner <rheppner@woodstockny.org>; rjearls@woodstockny.org <rjearls@woodstockny.org>; 'Lorin Rose' <lorinrose@woodstockny.org>; Laura Ricci <lr Ricci@woodstockny.org>; 'Robin' <robinyoungsears@gmail.com>; Jimmy Cohen <jdiamondcohen916@gmail.com>; Peter Cross <pcross@woodstockny.org>; Stuart Lipkind <slipkind@woodstockny.org>; John LaValle <jlvalle@woodstockny.org>; Judith Kerman <jkerman@woodstockny.org>; Connor Wenk <cwenk@woodstockny.org>; Brian Normoyle <bnormoyle@woodstockny.org>; James Conrad <jconrad@woodstockny.org>

Subject: Possible MOU with Selina Woodstock

Having just seen the Selina segment of video of the TB meeting of May 19, 2020 I ask the following.

-The entire segment seemed to be about health issues. At what point in time did the Town Board begin overseeing health matters, and by doing so would this not open the Town to liability in approving of such guidelines?

-If approved do you really believe the Building/Zoning officer has time to patrol the site to be sure they are complying with the Town Boards apparently non medically qualified guidelines if you do approve such?

-Will the Town Board be reviewing health guidelines of all hotel/motel/short term rentals and enforcing such? Or just those establishments which do not have an approved site plan by the Planning Board?

-There was no discussion of legal issues relative to building code and zoning law?

-Doesn't it seem odd an attorney of Mr. Barshov's caliber is asking for permission to utilize structures if he knew they could be utilized? One's opinion could be he's asking for exceptions or he would guide his client to do so.

If everyone is worried about Covid 19 the easiest way to limit exposure is by not making exceptions to keep occupancy of out of town folks....out of town.

Marcel

From: Marcel Nagele <marcelnagele@hotmail.com>

Sent: Thursday, May 21, 2020 4:14 PM

To: supervisor@woodstockny.org <supervisor@woodstockny.org>

Cc: Jackie Earley <jearley@woodstockny.org>; Connor Wenk <cwenk@woodstockny.org>; Richard Heppner <rheppner@woodstockny.org>; rjearls@woodstockny.org <rjearls@woodstockny.org>; Lorin Rose <lorinrose@woodstockny.org>; Laura Ricci <lricci@woodstockny.org>; Robin <robinyoungsears@gmail.com>; Jimmy Cohen <jdiamondcohen916@gmail.com>

Subject: Re: Possible MOU with Selina Woodstock

At this time I will keep communications in written form. The reasoning is verbal conversations offering assistance previously were not fulfilled by Officials. In fact, initial written contact in 2018 to Building Inspector and Supervisor were ignored. It was only after being forced to retain legal counsel that we received a response. However, recognizing your willingness to "talk" perhaps you could consider answering the questions in my previous email here. Many previous questions over the last two years directed to Town Officials went unanswered, I'm hopeful the answers this time will not be of no response.

You'll recall the ZBA ruling stating in part "unless and until the entire site plan was successfully completed, the issuance of building permits for work other than as required to remedy the existing violation was premature". This still holds true, no permits can be issued other than to correct the violations which generated the Stop Work Order. The requirement to correct the violations which resulted in the Stop Work Order is to achieve full site plan approval. Seemingly the same applies to a CofO, and TCoFO if even issuable.

Further, if I recall correctly I'll remind Town retained attorney David Lyons last year agreed a TCO could not be issued for any portion of the project or use, and MDRA also has concurred.

Specifically the main lodge structure/restaurant has been under construction and halted due to the Stop Work Order. Without a permit construction can not resume, and opinion is no C of O or TC of O can be issued and the building can not be used or occupied. I believe this applies to the entire site due to all intertwined relevant details.

Selina has had over a year since being issued building permits in March 2019 (deemed invalid by the ZBA) under the erroneous guise they would then work through the Planning Board process. How far have they gotten? Do you feel they've diligently attempted to do so? The hardship of a corporation which I understand has raised in excess of one half billion dollars in the last year or so is not the neighbors or the Towns concern. If it were your efforts should also be directed toward making the neighbor whole for the twenty five thousand dollars in legal fees we've shelled out due to Town error in issuing permits wrongly in violation of the Stop Work Order.

Jeremy Wilber proposed an MOU for the Library, but the Library was considered a "visiting municipality". I know of no legal way Selina can be considered a "visiting municipality", and I can find no legal avenue in Town Law or Zoning Law that allows for a similar exemption to code, law, or due process to be granted by the Town to a person or private corporation.

If the Supervisor appears at the Planning Board meeting will he be appearing with full consent and authority of, for, and in agreement with the Town Board?

Marcel Nagele

From: supervisor@woodstockny.org <supervisor@woodstockny.org>

Sent: Wednesday, May 20, 2020 10:41 AM

To: 'Marcel Nagele' <marcelnagele@hotmail.com>; 'Jackie Earley' <jearley@woodstockny.org>

Cc: 'Connor Wenk' <cwenk@woodstockny.org>; 'Richard Heppner' <rheppner@woodstockny.org>; rjearls@woodstockny.org <rjearls@woodstockny.org>; 'Lorin Rose' <lorinrose@woodstockny.org>; 'Laura Ricci' <Iricci@woodstockny.org>; 'Robin' <robinyoungsears@gmail.com>; 'Jimmy Cohen' <jdiamondcohen916@gmail.com>

Subject: RE: Possible MOU with Selina Woodstock

Hi Marcel,

I would be happy to discuss this over the phone or in person (with a 6 foot separation).

Thanks,

Bill

From: Marcel Nagele <marcelnagele@hotmail.com>

Sent: Tuesday, May 19, 2020 4:45 PM

To: Jackie Earley <jearley@woodstockny.org>

Cc: Connor Wenk <cwenk@woodstockny.org>; Richard Heppner <rheppner@woodstockny.org>; rjearls@woodstockny.org; Bill Mckenna <supervisor@woodstockny.org>; Lorin Rose <lorinrose@woodstockny.org>; Laura Ricci <Iricci@woodstockny.org>; Robin <robinyoungsears@gmail.com>; Jimmy Cohen <jdiamondcohen916@gmail.com>

Subject: Possible MOU with Selina Woodstock

To All,

It has been brought to my attention there may be discussion of a possible MOU with Selina Woodstock at tonight's Town Board meeting, for which I have no specifics of content.

I refer to 260-74, 260-82, 260-99B(2), 260-99C, as well as MDRA Memorandum dated April 15, 2020 and ask why the Town Board would engage in any MOU with this large multi-national corporate developer? I also ask what section of Town Law would allow authority of the Town Board to possibly attempt, aid, bypass, or supersede proper Site Plan Approval process or Town Zoning Law? Will the Town Board also extend this potential option to future corporations and developers as they arrive at Woodstock's gateway?

I remind all of the long storied history of this project, magnitude of said project, the pre-existing non conforming designation of this parcel, and further restrictions imposed by previous subdivision restrictions. This site appears to not even have a preliminary site plan approval. With this to mind the very idea of an MOU on the part of the Town Board at this point will be viewed as nothing short of an end game maneuver to circumvent proper and complete planning process which protects the neighbors and taxpayers of the Town of Woodstock.

Respectfully

respectfully,
Marcel Nagele