

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

WPA ACQUISITION CORP.  
(2012-08)

North Plank Road  
Section 75; Block 1; Lot 29.1  
B Zone

----- X

CLEARING & GRADING PERMIT

Date: June 7, 2012  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WPA ACQUISITION CORP.

2

MR. BROWNE: Good evening. Welcome to the June 7, 2012 Planning Board meeting of Newburgh, New York. I'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

CHAIRMAN EWASUTYN: Present.

MR. FOGARTY: Here.

MR. WARD: Present.

MR. BROWNE: We use our professional experts to help us with decisions that we need to make during the process of the evening. I'd ask them to introduce themselves now.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

MR. HINES: Pat Hines with McGoe, Hauser & Edsall Consulting Engineers.

MR. COCKS: Bryant Cocks, Planning Consultant.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WPA ACQUISITION CORP.

3

MR. BROWNE: Thank you. At this time I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

MR. WARD: If you have any cell phones, please turn them on vibrate or off.

MR. BROWNE: Thank you. The first item of business this evening is WPA Acquisition Corporation, clearing & grading permit. This is being presented by Darren Doce of Doce Associates.

MR. DOCE: Good evening. I'm Darren Doce appearing for WPA on a clearing and grading permit located on North Plank Road, opposite Chestnut Lane. WPA had a few -- two interested buyers in this site but it didn't get past the due diligence phase because both buyers would have liked to have seen a site that was more reasonably graded. So therefore WPA has decided to go in and grade and clean up the site, try to make it more attractive for potential buyers.

He's going to remove the rock in approximately a four-acre section of the site

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

towards the rear. He's also removing two stone stockpiles of rock in these two areas.

That's basically what he's trying to do.

CHAIRMAN EWASUTYN: Darren, have you had the opportunity to read Pat Hines' --

MR. DOCE: Right.

CHAIRMAN EWASUTYN: -- comments? What's your --

MR. DOCE: The first comment, which is the major comment, we've contacted the DEC and we've dropped off a plan up there. We haven't met with them yet. We're going to try to persuade them that he's excavating in aid of future development and we're not, in essence, really mining it. If we can't persuade them of that, then we proceed with a mining permit or come back with a site plan.

CHAIRMAN EWASUTYN: I don't know who wants to begin discussing the -- there's no definition in our code as far as mining goes. I don't know who wants to elaborate.

MR. DONNELLY: Pat will give you the details. The big picture is this: If you need a

1 mining permit, you've got to go to the DEC to get  
2 the mining permit. The way the State Mined Land  
3 Reclamation Law works, if mining is a permitted  
4 operation, the DEC has exclusive jurisdiction  
5 except for the four factors the local  
6 municipality has, truck, noise, dust, something  
7 of that nature. However, the local municipality  
8 is allowed to, strangely, prohibit mining. The  
9 Town of Newburgh code does not allow mining and  
10 has that provision that says whatever isn't  
11 allowed is prohibited. Now, I don't know, when  
12 push comes to shove, where that's going to go for  
13 you. That might require you to either ask the  
14 Town Board to rezone or get a use variance.  
15 There's more to it than just getting the mining  
16 permit. If you had an actual site plan, then  
17 maybe, depending upon the quantity, and I'll let  
18 Pat comment on that, it might be something that  
19 could be done in conjunction with the site plan.  
20 Just doing this level of material removal, you're  
21 not -- clearing and grading permits are for  
22 redistributing on the site. You're actually  
23 taking large amounts of material out.

24  
25 MR. DOCE: I saw that comment, too. I

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

read that. I don't see where it had to remain on site.

MR. DONNELLY: I'll turn that part over.

MR. HINES: The clearing and grading doesn't mean it has to remain on site, but once you take the DEC mining threshold of 750 cubic yards or 1,000 tons, that's when it's clearly a mine.

MR. DOCE: Unless it's in preparation or to aid in construction. Correct?

MR. HINES: Yeah. But DEC's policy, my understanding of that is you have to walk in there with a building permit.

MR. DOCE: Or a site plan of some sort.

MR. HINES: Yeah. They're not going to -- it's been my -- for sites that do that, they usually want to see a building permit. There's been a lot of people who have come in for a site plan, for lack of a better term, a doghouse, and try to take the 100,000 yards of material off the site. They're kind of on with that. They're not really allowing that. If they really intend to, they have to have a site plan and have approval,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

and I have seen them go as far as asking for a building permit for that waiver.

MR. DOCE: I mean WPA/Gus has said in the past they let him go ahead on the basis that he was preparing the site. We'll see when we meet with them.

MR. HINES: I believe that was because he had site plan approval in the past when he started that work. That's lapsed. And also that current grading plan doesn't correspond to the previous approved site plan which had a more terraced design on the site.

MR. DOCE: Even if we get a mining permit, you're saying we can't do it. We were facing that out in Montgomery. They tried to zone out a mine and it went to court for years. They finally made a floating mine zone in Montgomery.

CHAIRMAN EWASUTYN: Where was the actual site then?

MR. DOCE: That's Mayline. I don't know if you know Kings Hill Road. So we finally got that approved but it took a court case really.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Mike, you were starting to say something.

MR. DONNELLY: It's hard to reconcile. The purpose of the State Mined Land Reclamation Law was to encourage and promote New York State's mining industry and prohibit local municipalities from unduly interfering with the actual mining operation, and the DEC therefore pre-empted it. This issue is coming back again with fracking, and it's really the same thing. There's a provision of the law that was worded in such a way that when the case went up to the Court of Appeals, the Court of Appeals said yes, you're correct, that mining can't be regulated by a municipality, but the language is such that it can be prohibited by a municipality. Once it is prohibited, then the DEC can't issue its permit. The argument of our code, and I don't think the Planning Board is pushing it but I must advise you, is that mining is not allowed in any zone anywhere in the Town. Whatever is not allowed is prohibited, therefore mining is prohibited in the Town of Newburgh, therefore the DEC can't issue a mining permit.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I think it might be something you might want to discuss with the Town Board. I'm not sure that that was an intentional policy and they may want to allow mining somewhere. I don't know. You'd have to discuss that with them.

MR. HINES: I just want to jump in here. The DEC will issue a mining permit. It will be conditioned on receiving all local approvals required, and then you're in a catch 22 where you have a local prohibition against it.

CHAIRMAN EWASUTYN: Any additional comments from anyone?

(No response.)

CHAIRMAN EWASUTYN: Jerry, do you have anything to add at this point?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: So we'll wait to hear back from you as far as your course of action?

MR. DOCE: Yeah. After we talk to the DEC. If this is really a mine, then, yeah, we'll either come back with a site plan or proceed.

MR. HINES: We generally would like to see the site move forward and get cleaned up.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. DOCE: Right. Right. That's what he's trying to do.

MR. HINES: It's looked like a mine for fifteen years now, so --

MR. DOCE: Yes, it has.

(Time noted: 7:08 p.m.)

C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for 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.

---

DATED: July 6, 2012

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

NYC DEP DELAWARE AQUEDUCT REPAIR  
(2011-15)

Roundout-West Branch Tunnel  
Section 8; Block 1; Lot 15.2  
B/AR Zones

----- X

SITE PLAN  
FEIS SUBMISSION

Date: June 7, 2012  
Time: 7:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHRISTOPHER VILLARI

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. BROWNE: The next item of business is the New York City DEP Delaware Aqueduct Repair, project number 2011-15.

MR. VILLARI: Good evening. I'm Chris Villari, I'm the Outreach Lead for the Water for the Future program.

First, as always, for the benefit of the Stenographer and Members of the Board and staff, I have a list of all the attendees we have here this evening for the discussion.

Just as a follow up to the consultant meeting we had recently, two items came out of that. We were going to draft and present to the Planning Board a draft Findings Statement for your review, which is being drafted and circulated internally. The draft intergovernmental agreement for some of the items that we need relief on is also being drafted and circulated internally, and we'll have both of those in the next week or so I would say.

I'd also like to acknowledge and thank the Planning Board Chair for his assistance in getting comments back from Karen Arent and Ken Wersted, since they're not here this evening.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

So we aren't really exactly sure how to present this evening. I think everyone here kind of knows this project forwards and backwards. We did come prepared to talk about or discuss and review the project, and the construction, and the site plans that are associated with them. If you would like, we can go through that.

CHAIRMAN EWASUTYN: I'll ask the Board.

MR. DONNELLY: We were hoping for a PowerPoint.

CHAIRMAN EWASUTYN: Let's talk about the F.E.I.S., the Findings Statement. When do you think that will be circulated?

MS. FARMWALD: Hi. Jennifer Farmwald. We have drafted the Findings Statement. It is currently being circulated internally. I'm hesitant to give a specific date. We would hopefully like something by the end of next week, however we haven't received all the comments back. It's possible we could have significant comments from other, you know, internal members and that might change. But our goal is next week.

CHAIRMAN EWASUTYN: When do you plan on

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

-- then we can still go back to your original question. When do you plan on coming back before this Board based upon your scheduling?

MR. VILLARI: Well, I guess maybe to kind of throw it back at the Board, should we come after the Board's Findings Statement has been drafted?

MR. DONNELLY: That skips ahead. Our hope is that we won't have to issue our own Findings Statement, that your Findings Statement will cover all of the issues. That's why I suggested, if possible, I can't dictate how the DEP wants to do anything, if we could see a draft of it and if we had some additional language or a tweak here or there, then we wouldn't have to issue our own Findings Statement. If we did, we would need that additional period of time to prepare it, but I don't think that's particularly lengthy. Beyond that, I think you'll hear from the consultant team that the site plan is pretty much ready for action by the Board. Once the Findings are issued, I need to prepare the resolution which will tie into the Findings Statement or Statements, however that comes

1  
2 about. So I don't think we need a lot of time,  
3 but the sooner we get the Findings, the sooner we  
4 can get to work on the resolution and we can get  
5 this back on the agenda.

6 MR. VILLARI: Also for a little bit of  
7 clarification, I expect that there will be, as a  
8 result of the intergovernmental agreement, that  
9 within the resolution will be some conditions  
10 that refer to the intergovernmental agreement.  
11 Is it necessary to have the draft of the  
12 intergovernmental agreement in hand before that?

13 MR. DONNELLY: No. I think it's  
14 helpful for us to know the issues that will be  
15 covered by it, and we will include a condition in  
16 our resolution that says that the approval is not  
17 final until the intergovernmental agreement  
18 satisfactory to the Town Board covering the  
19 following issues has been executed.

20 MR. VILLARI: Okay. So then should we  
21 go ahead and pencil in the next Planning Board  
22 meeting?

23 CHAIRMAN EWASUTYN: Jennifer, are you  
24 comfortable with that?

25 MS. FARMWALD: I need to speak

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

internally and find out. Obviously before we share with you, we want to be comfortable internally. I don't know -- there's a lot of people that need to review it. I'm hesitant to commit. It's two weeks; right? How much time would you like to review the Findings before you --

MR. DONNELLY: It depends upon what I'm doing the day I get it. It's not something -- a week is plenty of time, I'm sure.

MS. FARMWALD: So I think two weeks might be a little ambitious, to be honest.

MR. VILLARI: Maybe the first Planning Board meeting in July?

CHAIRMAN EWASUTYN: Okay.

MR. HINES: If we can get them as soon as possible, that way we can put everything we want in there and then we're only doing it once instead of two sets.

MR. VILLARI: Okay. We did receive some comments from Karen on the landscaping which we have. We recognize some of the issues that she brought up and we're ready to make changes to reflect some of those. I think there were only



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

one or two.

MR. SIMMONS: There were a couple issues that we recognize to the invasive species control. We'll beef up the language in our specs and on the site plan to make certain that the contractor is controlling invasive species in addition to just the normal clearing and grading. So getting rid of the species that are there, using native species and maintaining and protecting the plants as necessary, as well as making certain that the landscaping guarantee is in place. And though we don't have the same exact language that Karen suggested, we'll look to beef up our language a little bit. The intent is the same, we have a two-year landscape guarantee to make sure that the plants survive.

The other issue is deer browsing. She brought that up as well. We have language in our specs about protection of plants. We'll actually put the words deer and browsing in there so that the -- that the contractor knows that that is an issue, and we'll have them present a plan to us to make certain that they can protect against deer browsing and common issues like local deer

1 fences, et cetera, also again protecting the  
2 plants when they mature and to resist the deer.  
3 So we recognize her issues and the things we need  
4 to take care of to make certain our site plan and  
5 landscaping matches what's in our landscaping  
6 plan.  
7

8 MR. VILLARI: And I think the main  
9 comment that Ken made is if for some reason the  
10 truck route were to be altered, that we make sure  
11 once it's finalized we present that to the Board.  
12 That's all I have to say.

13 MR. DONNELLY: We talked earlier about  
14 the substantial change from the assumptions in  
15 terms of where the trucks would leave the site.  
16 The way the FEIS or in the cover letter, I forget  
17 which, discussed it is if there's a significant  
18 change that would trigger the need to do  
19 something, something as little as a new traffic  
20 study, it could be as much as an FEIS, the  
21 thought was rather than say significant, that we  
22 say if it varies by more than a certain  
23 percentage from those projections, some things  
24 might need to be done. The suggestion we talked  
25 about was a five-percent number. If that's

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

doable and acceptable to you, then I suggest that's something that perhaps should go in the Findings Statement.

MR. VILLARI: Would it be okay that as we determine that threshold, that we communicate directly with Mike to see if that's acceptable?

CHAIRMAN EWASUTYN: Mike and Ken Wersted. I think Mike would depend on Ken.

MR. DONNELLY: I made up a number. I don't decide whether it's acceptable. Ken would make a recommendation.

MR. VILLARI: With your permission I'd like to.

MR. GALLI: Sure.

CHAIRMAN EWASUTYN: Between Mike and our Traffic Consultant.

MR. VILLARI: Excellent. I think that's all we were going to cover this evening.

Is there anything else?

CHAIRMAN EWASUTYN: Just an overview. When you mention the contractor will be responsible, just for the Board, who do you mean by the contractor? Do you mean the prime contractor? Do you mean the subcontractor?

1  
2 Because the contractor is the governing body.  
3 Who is that governing body? Is it the -- who is  
4 the contractor? Realizing you haven't chosen a  
5 contractor, but when you identify the responsible  
6 party and label that party as being the  
7 contractor, can you define for all of us who this  
8 is? Is that one of the qualified bidders who is  
9 awarded the bid and he is the main person  
10 responsible for doing the due diligence?

11 MR. SIMMONS: In conjunction with the  
12 construction manager.

13 Ted, you may have the best grasp of all  
14 that.

15 MR. DOWEY: We have a contract with the  
16 primes and we generally communicate with the  
17 prime contractor. If we have issues with our  
18 subcontractors, we also communicate with the  
19 prime contractors. We do have five qualified  
20 groups. They may be structured differently. One  
21 of them does the site work and may be interested  
22 in doing some of the landscaping and the other  
23 they sub out the landscaping. Generally  
24 speaking, we're going to have an integrated  
25 construction management team. We'll be literally

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

in adjacent offices on the site and we would contact the prime contractor if there were any deficiencies to correct whatever needs to be done.

CHAIRMAN EWASUTYN: If I understand what you're saying, your agency will have a trailer on site and you would be -- someone from your agency or a group of people will be there throughout the buildout of the site?

MR. DOWEY: Yes.

MR. GALLI: So if there was an issue with the landscaping, they would contact you and then you would contact the contractor?

MR. DOWEY: Yes. Yes. Yup.

MR. GALLI: Then you would handle it on your end?

MR. DOWEY: Yes.

MR. GALLI: We wouldn't have to track down different contractors?

MR. DOWEY: No. We're going to have a point of contact, whether it's Chris or the resident engineer. Whoever it is, we'll take care of it from that point.

CHAIRMAN EWASUTYN: Is that something

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

that's identified in the Findings Statement?

MR. DONNELLY: No. It would be helpful. Certainly we've asked for that for shopping centers with multiple stores, that it be a single agency and contact point.

MS. FARMWALD: I think we have that in there.

MR. DONNELLY: Okay. That would be good.

CHAIRMAN EWASUTYN: That helps out. Like we were saying, it helps us understand that.

Jerry is wondering if he had to get a mobile home to be parked along the road for the next seven years.

MR. GALLI: Four.

MR. CANFIELD: Actually three.

CHAIRMAN EWASUTYN: He's going to retire in three years?

MR. CANFIELD: That's what I'm planning.

CHAIRMAN EWASUTYN: If you find the need, and that's only if you do, and you feel you want to add anything at a consultants' meeting towards the end of this month, just let us know

1  
2 between now and our next meeting and we'll move  
3 -- either that or we'll move now to set it up for  
4 a consultants' work session the last meeting of  
5 the month. If you decide to cancel that, then  
6 you could cancel that and I'll give you the  
7 option if there's anything in the Findings  
8 Statement that you do want to get everyone  
9 together on.

10 Bryant, what would be that date? If  
11 everything is in place.

12 MR. DONNELLY: I have it for the 26th.

13 MR. COCKS: That sounds right.

14 CHAIRMAN EWASUTYN: I'd move for a  
15 motion to set the DEP for a consultants' work  
16 session for the 26th of June with the  
17 understanding that if it we receive a letter,  
18 that would be cancelling it.

19 MR. GALLI: So moved.

20 MR. FOGARTY: Second.

21 CHAIRMAN EWASUTYN: I have a motion by  
22 Frank Galli. I have a second by Tom Fogarty.  
23 I'll ask for a roll call vote starting with Frank  
24 Galli.

25 MR. GALLI: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. BROWNE: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So  
carried.

MR. WARD: Ted, I've got a question for  
you. Just asking. Like when you get all these  
contractors working up there, even though you're  
on site do you have anything set up, like when I  
worked at Yankee Stadium, Turner, you had to take  
a safety course and everything else to make sure  
they know the process. I'm just asking how. Do  
you have something like that?

MR. DOWEY: Absolutely. Absolutely.

MR. WARD: I figured you did.

MR. DOWEY: As part of our construction  
management -- first of all, the contractor has to  
follow the DEP SOPs in addition to all the  
Federal, Local, State laws. We have a very  
strong safety program and the construction  
manager will be very active in promoting our  
safety program. So whether it's toolbox  
meetings, or job hazard analysis, or emergency  
action plans, or whatever it may be, we have a



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

very robust safety program. That will be enacted through the construction manager.

MR. WARD: I figured but I had to ask it. Thank you.

MR. DOWEY: Sure.

CHAIRMAN EWASUTYN: Okay. Thanks ever so much.

MR. HINES: We received a response to the SWPPP comments that we had given and it looks like they've been addressed satisfactorily. We haven't issued a memo yet but that will be forthcoming.

MR. VILLARI: Great. Thanks.

MR. BROWNE: Thank you.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. BROWNE: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:23 p.m.)

C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for 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.

---

DATED: July 6, 2012