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DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY
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August 20, 2008
10:00 a.m.

Suffolk County Legislators Office
725 Veterans Memorial Highway
Hauppauge, New York

RECEIVED
S.C. PLANNING DEPT.
2008 SEP -3 AM 10:46

B E F O R E:

R. Lawrence Swanson, Chairperson

James Bagg, Chief Environmental Analyst

Reported by,
Melissa Powell

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A P P E A R A N C E S :

- Eva Growney
- Thomas Gulbransen
- Richard Machtay
- Daniel Pichney
- Gloria R. Russo
- Mary Ann Spencer

A L S O P R E S E N T :

- Lauretta Fischer, Warner Property
- Chris ~~Clark~~^{Kent}, Warner Property
- Janet Longo, Warner Property

- John Donovan, Suffolk County Department of Public Works
- Stephen Hayduk, Motor Parkway Associates

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Council on Environmental Quality

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CHAIRMAN SWANSON: I would like to call the August meeting of the Suffolk County CEQ to order.

Anybody have any comments on the minutes that were posted on the web?

MR. MACHTAY: I sent my comments to Mr. Bagg and they were incorporated in the minutes.

CHAIRPERSON SWANSON: Any other comments?

A motion to accept the minutes?

MS. SPENCER: I will motion.

CHAIRPERSON SWANSON: I have a motion. Do I have a second?

MR. MACHTAY: Second.

CHAIRPERSON SWANSON: All in favor?

THE BOARD: Aye.

(WHEREUPON, the Board voted.)

Anyone want to tell us anything about correspondence?

MR. BAGG: We did not receive any correspondence other than the projects from the various departments.

CHAIRPERSON SWANSON: And to call just

1
2 to your attention there is a draft -- not a
3 draft. There is a letter that was sent to
4 Mr. Beedenbender with regard to the letter
5 he had sent to us previously. So that is in
6 your packet for your interest.

7 Historic Trust Report. Mary Ann,
8 Richard is not here, do you want to comment?

9 MS. SPENCER: I would like to comment.
10 There is one notable event and that is the
11 Scully Contract has been signed.

12 CHAIRPERSON SWANSON: Congratulations.

13 MS. SPENCER: Yes, I think that is
14 worth mentioning; don't you, Jim?

15 MR. BAGG: Yes. One more thing, in the
16 packet you will notice that Resolution
17 Number 16-47 is probating funds in
18 connection with historic restoration and
19 preservation of the Third House in the
20 Roosevelt Estate and also Resolution --
21 Introductory Resolution Number 17-88
22 authorizes a license agreement with the
23 Babylon Town Historical Society for the Van
24 ~~Bergen~~ ^{Bourgondien} property in West Babylon.

25 CHAIRPERSON SWANSON: I don't have

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either of those.

MR. BAGG: Those are noted in your packet, Larry. Over here (Indicating). I am just calling attention to it.

CHAIRPERSON SWANSON: Do you have anything else you wanted to bring to our attention with the Type 2 Action?

MR. BAGG: (No response.)

CHAIRPERSON SWANSON: I think Mary Ann is through.

MS. SPENCER: I am.

MR. BAGG: In your packets of things, there is nothing notable either. Everything has been previously reviewed under SEQRA or Type 2 Action.

In addition to the other two Introductory Resolutions, I noted that that dealt with Historic Trust Properties Resolution Number 1791, "Adopts a local law prohibiting the distribution of plastic carrying out bags by retail stores." So that is of interest but --

CHAIRPERSON SWANSON: As I asked you earlier, Jim, if you can get staff to kind

1
2 of find out why this is appearing now
3 because I thought it had passed last
4 January?

5 MR. BAGG: I will check into that.

6 CHAIRPERSON SWANSON: Thank you. I
7 guess, I just don't understand the process.

8 This is to remind everybody that this
9 is a public meeting and if you have comments
10 and wish to participate, please feel free to
11 do so. Ordinarily, we take public comments
12 on the topic -- by topic or situation. So,
13 with that being said --

14 MR. BAGG: We have to make a motion --

15 CHAIRPERSON SWANSON: That's right.

16 We have a motion to recommend Type 2 --
17 Type 2 recommendations that Mr. Bagg
18 presented?

19 MR. MACHTAY: Motion.

20 MS. RUSSO: Second.

21 CHAIRPERSON SWANSON: Any other
22 comments?

23 All in favor?

24 THE BOARD: Aye.

25 (WHEREUPON, the Board voted.)

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2 MR. SWANSON: The motion carries.

3 DPW Sewer District Number 20. Anyone
4 here to represent DPW?

5 Please, just state your name for the
6 record.

7 MR. DONOVAN: John Donovan, Suffolk
8 County Public Water Sanitation Division.

9 Basically, this is a project and is
10 outlined in a memo from Ben Wright
11 (Phonetic). We are looking to increase the
12 reliability of the treatment plan. We are
13 right now operating very close to design
14 capacity. So we are looking to obtain
15 engineer assistance to evaluate what we can
16 do to make sure that we continue to meet
17 limits. We are probably going to include
18 the addition of some tankage --
19 pre-equalization tankage to help us with the
20 process.

21 CHAIRPERSON SWANSON: Any questions?

22 Recommend Type 2. Since we have no
23 comments, can we have a motion?

24 Nobody wants to make a motion?

25 MS. GROWNEY: I will make a motion to

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go ahead.

CHAIRPERSON SWANSON: Type 2?

MS. GROWNEY: Yes.

CHAIRPERSON SWANSON: The motion is recommended as a Type 2 action. Do we have a second?

MR. PICHNEY: Second.

MS. RUSSO: Can I ask a question?

CHAIRPERSON SWANSON: Sure.

MS. RUSSO: In the letter, it states that the current sewage flow that must be treated is at or slightly above the design of permitted flow. Do you foresee that this is going to get even larger than what the current situation is, or is this just to bring it up to speed so it can handle this little bit over the design?

MR. DONOVAN: Basically, we have been operating right at the design limit going over a couple of times during the year; sometimes we are below it. So, we are right at it. It should stay consistently there. We are not adding any new developments or any new flow to the plan. So, it is a

1
2 matter of us -- just because we are right at
3 the limit, we want to make sure that we have
4 enough treatment process to make sure we
5 keep meeting the limits.

6 MS. RUSSO: But you did say you may
7 have to increase the tankage?

8 MR. DONOVAN: Yes. Pre-equalization
9 tankage might have to be added. That
10 usually helps when you get very close to the
11 design flow. It kind of equalizes the flow
12 over the full days and the problem is
13 treated. The tankage would probably be
14 something like a ten foot by ten foot tank
15 about twelve or fourteen feet deep --
16 concrete tank.

17 MS. RUSSO: Then there is plenty of
18 physical space for you to put this tank in?

19 MR. DONOVAN: Yes, it will all be on
20 the existing property next to the existing
21 treatment plant.

22 CHAIRPERSON SWANSON: Any other
23 comments or questions?

24 We have a motion and a second.

25 All in favor?

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THE BOARD: Aye.

CHAIRPERSON SWANSON: Motion passes.

(WHEREUPON, the board voted.)

CHAIRPERSON SWANSON: Next is Sewer District Number 5.

MR. DONOVAN: Yes. This is another treatment plant operated by Suffolk County Public Works. We have in the past had odor complaints from the surrounding community. We have addressed those complaints, but we are looking to add some odor control to our sludge treatment process of the treatment plant. We are looking to evaluate that, and it will probably be the addition of some old control equipment and maybe some covers on top of the tanks -- you know, to capture the odors.

CHAIRPERSON SWANSON: This is like the other one where you're just asking to get assistance to go forward with the process?

MR. DONOVAN: Right, engineering assistance to evaluate it.

CHAIRPERSON SWANSON: Can I have a motion to --

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MS. GROWNEY: I will make a motion.

MS. RUSSO: One quick question.

CHAIRPERSON SWANSON: Okay.

MS. RUSSO: Could you, please, describe what the odor control equipment is and how it works?

MR. DONOVAN: Well, we don't know exactly. We are going to have an engineer evaluate what could be done. Many times what we do is we put a cover -- these are open air tanks, so we would put a cover over it and capture the air either through a carbon absorption or some kind of a filter median to strip the odors from the air before it discharges.

MS. RUSSO: Okay.

CHAIRPERSON SWANSON: Any other comments?

We have a motion. We need a second.

MR. MACHTAY: I will second.

CHAIRPERSON SWANSON: We have a second.

MS. GROWNEY: I made the motion.

MR. MACHTAY: I seconded.

CHAIRPERSON SWANSON: If there are no

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other comments?

All in favor?

THE BOARD: Aye.

CHAIRPERSON SWANSON: Opposed?

THE BOARD: (No response.)

CHAIRPERSON SWANSON: Motion carries.

IR1216-2008 Local law adopting
reduction of the of use of fertilizer near
surface waters in Suffolk County.

Anybody here want to speak to that?

Please, state your name and
organization.

MS. SHAW: Kim Shaw, Suffolk County
Department of Health Services.

We note that the original fertilizer
law that was passed was primarily
educational in nature, and with the
exception of not applying fertilizer during
the non-growing season and that was based on
experts input.

The CEQ may want to consider for this
amendment a full EAF and possibly Type 1
which was the original fertilizer law also.
There was extensive discussion and a lot of

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2 input from Cornell Cooperative, Cornell
3 University, and the Pesticide Reduction
4 Action Committee. I know there has been
5 some discussion on separation distances for
6 surface water anywhere from 25, 50, to 100
7 feet, and I think that can all be worked out
8 possibly through a long EAF.

9 In addition, neither the Health
10 Department or the Department of Environment
11 and Energy, were given staff to conduct this
12 program. It was not part of the original
13 quarter percent appropriation for the
14 fertilizer RFP, and this will most likely
15 result in significant effort on behalf of
16 our Department in terms of education and
17 complaint response and violations.

18 We recommended that the sponsor add a
19 Public Health Sanitarian as part of this
20 resolution and that is why we are going for
21 a fully EAF and possibly a Type 1.

22 CHAIRPERSON SWANSON: So, as I
23 understand you correctly, you don't think
24 you are adequately staffed or enough
25 thought has been given to the legislation as

1
2 written and needs some potential
3 modification?

4 MS. SHAW: Right. When it was
5 originally drafted, I believe, it was -- the
6 setback was from regulated freshwater and
7 wetlands as per DEC. At that point, we were
8 directed to go to DEC and see -- get their
9 input on how they would be able to assist us
10 in regulating or monitoring doing anything
11 with this law and they said enforcement was
12 nearly impossible. So then it was changed
13 to surface waters because more easily
14 identifiable and our staff can probably
15 conduct but --

16 MR. BAGG: Kim, other than your
17 statements that whether or not it can be
18 administrated, what do you feel are
19 significant impacts from this proposal on
20 the environment?

21 MS. SHAW: Well, I noted that the EAF
22 only cited beneficial, but potentially this
23 could result in additional pesticides being
24 used and increase storm water impacts.

25 MR. BAGG: Why would additional

1 pesticides be used?

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3 MS. SHAW: Well, because they are
4 reducing the amount of fertilizers -- you
5 know, the original EAF that we did
6 on this law had the potential for increased
7 pesticide usage.

8 MR. MACHTAY: You said, you think it
9 should be classified as a Type 1 Action?

10 MS. SHAW: That was the original
11 fertilizer law.

12 MR. MACHTAY: Which action on the Type
13 1 list does this specifically adhere to?

14 MS. SHAW: I don't have it in front of
15 me.

16 MR. MACHTAY: Is this in any way,
17 shape, or form and agricultural activity?

18 MS. SHAW: No, being it is residential.

19 MR. MACHTAY: Mr. Bagg, do you have any
20 input on that?

21 MR. BAGG: I had a hard time finding a
22 class for this particular Action because it
23 simply says, "You cannot apply fertilizer
24 within a certain distance of waters," and it
25 doesn't deal with the physical alteration of

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2 any type of property or anything else. It
3 just simply says that "You are not allowed
4 to apply fertilizers." Also, I mean, there
5 are laws that deal with pesticides, as well.
6 There is no -- nothing that says that people
7 are going to go out now and increase
8 pesticide use because they can't fertilize
9 their lawn.

10 MR. MACHTAY: But Type 1 does have that
11 certain kind of agricultural land -- more
12 than ten acres. That certainly affects more
13 than ten acres, and I don't see how this --

14 MR. BAGG: Agricultural are never a
15 Type 2 Action. Agricultural management
16 practices are exempt. It deals with the
17 physical alteration of the property.

18 MS. SHAW: But this affecting
19 definitely more than ten acres, and that was
20 the mind-thinking of how we made it
21 originally.

22 MR. BAGG: But it is not a physical
23 alteration.

24 MR. MACHTAY: You can't make something
25 a Type 1 Action that is not on the list. It

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2 has to be specifically on the list unless
3 the County has a different list than the
4 State.

5 MR. BAGG: If I might add, I think the
6 County chose to go in the original
7 fertilizer law with a Type 1 Action fully
8 EAF because they felt that they were going
9 to be sued by the fertilizer industry, and
10 in order to be conservative under SEQRA,
11 that is the approach they took. Whether or
12 not they really had to do that is another
13 question.

14 MS. SHAW: Well, again, just being sued
15 does bring that to a level of Type 1. I
16 think it would be impacting more than ten
17 acres if it is all Suffolk County's. I
18 thought that was the justification.

19 MR. BAGG: I understand that, but we
20 are still into the situation about what is
21 the physical alteration. There is no
22 physical alteration. You just say you can't
23 put down fertilizer.

24 CHAIRPERSON SWANSON: Well, I would ask
25 -- whether or not this is correct, Jim,

1
2 because -- you know, this is not going to
3 involve bringing in a plow and certain
4 things but the fact if you change the form
5 of vegetation because you are using
6 fertilizers or not using fertilizers, that
7 ultimately ends up as a physical alteration?

8 MR. BAGG: Well, just because you do
9 not fertilize grass, does not mean you
10 cannot grow it.

11 CHAIRPERSON SWANSON: Right, but going
12 back to our history, there are certain
13 groups that come here and want to burn all
14 the grass on the east end of Long Island,
15 and we go through that debate as to whether
16 or not it is an environmental impact.

17 MR. BAGG: That is correct, but that
18 deals with the physical alteration and
19 destruction of vegetation.

20 MR. MACHTAY: Excuse me. I think also
21 something can be an unlisted action and
22 raised into the level of --

23 MS. SHAW: And an unlisted can have a
24 full environmental assessment.

25 MR. MACHTAY: But is that necessary?

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2 MS. SHAW: Not saying a -- just a full
3 environmental assessment. I don't think we
4 have even reached -- this is going to impact
5 so many small lots along canals and what
6 not. It is going to be -- I mean, I think,
7 there is going to be a lot of discussion
8 regarding this ban. There is a lot of lots
9 along the waterfront that are 60 feet deep
10 and have lawns right up to the edge of the
11 bulkhead.

12 MR. BAGG: I would point out that those
13 lawns and fertilization are going into the
14 canal and causing unification problems and
15 all kinds of things.

16 MS. SHAW: It is just something to
17 think about.

18 MR. SWANSON: Do you have any further
19 comments for discussion?

20 MR. PICHNEY: One question.

21 They said, "Continuous natural
22 vegetative buffer," do they literally mean a
23 natural buffer as opposed to a man-made
24 planted buffer?

25 MS. SHAW: I wasn't the author of that,

1
2 but I assume they mean a natural buffer -- a
3 natural vegetation -- native vegetation.

4 CHAIRPERSON SWANSON: Tom?

5 MR. GULBRANSEN: It is possible that a
6 more complete EAF would allow a closer
7 examination of the staffing and
8 enforceability of this? Is that a part of
9 what we would be able enable or not?

10 MR. BAGG: That is administrative; that
11 is not environmental.

12 MS. GROWNEY: I wanted to know about
13 the educational program that you might be
14 thinking about setting up.

15 MS. SHAW: Well, through the original
16 fertilizer law which went through an RFP and
17 it has been -- the contract has been awarded
18 to Cornell Cooperative and Cornell
19 University. There is a huge educational
20 component with -- they're going to be
21 meeting with community groups and giving
22 them hands-on and explanations on how to
23 maintain a healthy lawn without applying
24 fertilizers or reducing the use of
25 fertilizers.

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2 MS. GROWNEY: Does that include written
3 material?

4 MS. SHAW: Yes, brochures will be
5 handed out.

6 MS. GROWNEY: Is that also including
7 notices, papers, and other kinds of things
8 like working with the library or the local
9 municipality?

10 MS. SHAW: Well, that should all be
11 worked out through the contract process. I
12 know that was a component or task of the
13 proposal, but I haven't seen the contract
14 and what the work is going to be.

15 MS. GROWNEY: I can see that it is very
16 essential that it be very broad and keep it
17 as very hands-on.

18 CHAIRPERSON SWANSON: I would like to
19 offer a suggestion for your consideration
20 and that is, perhaps, that you table this
21 and ask for some clarification from the
22 sponsor and include it in that
23 clarification. Perhaps, we can ask how he
24 envisions it to be implemented?

25 MS. GROWNEY: I agree.

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CHAIRPERSON SWANSON: Do you want to make a motion?

MS. GROWNEY: I will make a motion that they further their scope.

MR. GULBRANSEN: Second.

CHAIRPERSON SWANSON: Second from Mr. Gulbransen.

All in favor?

(WHEREUPON, the Board voted.)

MR. SWANSON: All opposed?

(WHEREUPON, there was no response.)

MR. SWANSON: Thank you, Kim.

Maybe write a letter and even though it is not an environmental issue necessarily, I think, it is fair to say -- to ask how, in fact, it can be implement in the most effective way and how he would envision the County going forward with that?

Recommended Unlisted Actions, Sewer District 13, Windwatch Expansion, Town of Islip.

Welcome back.

MR. DONOVAN: This is another treatment plant operated by Suffolk County Public

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2 Works, Sewer District 13.

3 It is an existing plant operating about
4 four -- designed for 400,000 gallons per
5 day. There is a proposal by private
6 developers and by existing developers nearby
7 to expand the treatment plant from 400,000
8 up to 750,000 gallons per day. The
9 treatment plant will be physically expanded
10 and a new treatment process will be
11 installed -- more up-to-date one.

12 Basically, there will be new
13 developments connecting in plus two existing
14 condo and co-op associations that have their
15 own treatment plant. They will be abandoned
16 and they will pump air flow up to the
17 treatment plant at Windwatch and will be
18 treated here.

19 So this project has a lot of good
20 benefits. One, is it will eliminate two
21 failing treatment plants that were built in
22 the 70's and are now under order by the
23 Health Department. It will prevent the
24 building of two new treatment plants for new
25 developments, and it will upgrade an

1
2 existing treatment facility from -- to a
3 more up-to-date process.

4 CHAIRPERSON SWANSON: Just a couple of
5 questions.

6 I understand the advantage of trying to
7 improve the situation with plants that are
8 not functioning in particular, but actually
9 how much growth does this anticipate?

10 MR. DONOVAN: Growth in what way?

11 CHAIRPERSON SWANSON: Well, is all of
12 this just to accommodate existing population
13 and businesses, or is it anticipating the
14 area is going to double in size or what?

15 MR. DONOVAN: Well, there is two new
16 treatment -- two new projects that are going
17 to increase development in the area -- that
18 are going to be part of the expansion. The
19 amount of flow for that --

20 MR. HAYDUK: My name is Steven Hayduk,
21 Consultant Engineer for Motor Parkway
22 Associates

23 We would be building the actual
24 expansions of the plant under a sewer agency
25 contract with Suffolk County Sewer Agency

1
2 and Suffolk County Public Works. The
3 project will not create any additional
4 population by expansion, if that is the
5 nature of your question. The project is
6 intended to accommodate two currently
7 planned construction projects which -- if
8 this is not to help sewage treatment, they
9 would have me build their own sewage
10 treatment plants. That was the two
11 treatment plants that John just referred to
12 that would be eliminated from construction.

13 In fact, if you can see on this
14 presentation board that I have here, the big
15 yellow push pins are the existing Windwatch
16 treatment plant which was built in the
17 1980's, and it was contemplated at ~~time the~~ ^{that time}
18 as a subregional sewage treatment plant
19 although it was built by private developers
20 and the main applicant was Marriott Wind
21 Watch Hotel. A number of other existing and
22 proposed developments connected into it
23 under a sewer agency contract at that time.
24 So, it is existing as a subdivision sewage
25 treatment plant which was subsequently in

1
2 the mid 90's dedicated to Suffolk County as
3 Sewer District Number 13. When this plant
4 was constructed, it was anticipated and
5 provided for in the design of the plant,
6 which met SEQRA at the time, by the way, by
7 the applicant, Marriott Windwatch -- SEQRA
8 through the Town of Islip. It was
9 anticipated and planned for possible
10 additional future expansion. I have the
11 design report that was approved in 1989. It
12 says on Page 13, that an area of 36,800
13 square feet has been reserved for a one
14 hundred percent expansion of the treatment
15 plant. So the plant was designed and built
16 for 400,000 gallons per day. The current
17 application is to approve expansion up to
18 750,000 gallons per day which is about an 88
19 percent expansion which is within the one
20 hundred percent expansion that was
21 contemplated. Therefore, I believe that
22 SEQRA was complied with and when the plant
23 was originally built, this is within contact
24 of that -- the original project. However,
25 as Mr. Donovan has said, this dot represents

1
2 the Spring Meadow Co-ops, an existing
3 failing sewage treatment plant. This one
4 represents the townhouse village south
5 treatment plant which is also failing both
6 of which will be eliminated with the
7 expansion project.

8 This is my next project which is in the
9 Village of Islandia, and it will be
10 condominiums, hotels, and a bank --
11 restaurant mixed use currently near approval
12 by the Village of Island. The Village Of
13 Islandia actually created a special zone for
14 this project to consider it. It is going to
15 be ⁱⁿ their separate downtown area, and this is
16 an approved project by Holiday Associates
17 for Mid-Rise Condominiums.

18 So, if the Windwatch Sewage Treatment
19 Plant expansion grows -- grows through as
20 its plant and its already -- the plant has
21 already been approved, there will be one
22 sewage treatment plant instead of five. So
23 this is the population that serves these two
24 new developments. I am not going to be --
25 additional population is not going to be

1
2 caused by the expansion of the treatment
3 plant which is going to serve the two new
4 developments and other existing
5 developments.

6 CHAIRPERSON SWANSON: This is more of a
7 general question, I guess. You're now
8 undertaking failed sewage treatment plants
9 from private developments. What is the
10 County's policy with regard to allowing
11 developments -- creating small package
12 plants such as what has been built here and
13 then suddenly finding out they're not
14 functioning well and not being operated well
15 and then the County is left holding the bag.
16 What is -- I just don't understand how we
17 get into these situations?

18 MR. HAYDUK: As a matter of fact, that
19 is the very reason why the County has for
20 over twenty years now fostered a program for
21 the non-proliferation of small sewage
22 treatment plants. That is why they approved
23 Marriott Windwatch Treatment Plant to be a
24 subregional plant and whenever an
25 application goes before Suffolk County Sewer

1
2 Agency, the first question that is asked by
3 the agency is, is there an existing sewage
4 treatment plant within reasonable business
5 that can be connected to or can be expanded
6 to allow connection? Which is a very
7 responsible public policy and that is what
8 is being done here.

9 MR. BAGG: Can I ask one more question?
10 Who is paying for this?

11 MR. HAYDUK: The project is being paid
12 for by the new connectors -- no public money
13 is being spent.

14 MR. PICHNEY: I have a question.

15 Is there any other substantial pieces
16 of vacant land attached in the area of the
17 proposed facility?

18 MR. HAYDUK: There are undeveloped
19 pieces of land. This large piece of
20 property across the street is the Town of
21 Islip landfill. Obviously, it can't be
22 built on that. There is a small parcel next
23 door to the treatment plant itself -- the
24 existing treatment plant that is not
25 developed and, I imagine, there are other

1
2 parcels developed along Motor Parkway and
3 Blydenburg Road but --

4 MR. PICHNEY: It just seems that the
5 area seems to be attracting condominiums and
6 mix uses like the one proposed by your
7 client. I am just wondering whether the
8 plan proposed is going to be able to handle
9 those?

10 MR. HAYDUK: No, it won't. What the
11 plant will be able to handle is everything
12 that was proposed in this application which
13 is Motor Parkway Associates, Mixed-Use
14 Project, Holiday Mid-Rise, and some other
15 existing connectors that are there, and
16 there will be 80,000 gallons per day of
17 excess capacity available for any other
18 potential user who comes forth in the
19 future.

20 MR. GULBRANSEN: Plus 12 percent more
21 that is not yet built in the capacity that
22 was allowed?

23 MR. HAYDUK: Right. And the reason for
24 that is simply that in the design of the
25 plant expansion, it makes sense to go to

1
2 certain modular sizes, whereas, we don't
3 need the full 750,000 gallons per day. It
4 would not make sense to try to physically
5 construct an expansion of 680,000 or 670,000
6 gallons per day with the way the site is
7 configured and the way the building is
8 configured.

9 MS. GROWNEY: So the expansion that is
10 being done is incremental capacity not just
11 modular?

12 MR. HAYDUK: It is going to be done at
13 one time.

14 MS. GROWNEY: One time. Okay, are
15 there any other potential participants in
16 this process that you negotiated with and
17 you are aware of that may want to be
18 involved with this at some point down the
19 road considering the overage from expansion?
20 Are there other situations that need
21 addressing?

22 MR. HAYDUK: The only participants in
23 this project are Motor Parkway Associates,
24 Holiday Associates, Spring Meadow, Townhouse
25 Village South. Hauppauge Green is another

1
2 project that is located down over here
3 (indicating). They're going to connect them
4 to it, as well -- small condominiums and
5 Care Matrix Nursing Home who is already
6 connected actually into the sewer district.
7 But as part of this project, we are also
8 going to reconstruct the Care Matrix Pumping
9 station to service them and a couple of the
10 condos.

11 MS. GROWNEY: So there is no other
12 additional potential participants that you
13 are aware of?

14 MR. HAYDUK: No.

15 MS. GROWNEY: Okay, and all the other
16 plants will be decommissioned?

17 MR. HAYDUK: Right, two other plants.
18 These two plants would never be built. If
19 the expansion of the Windwatch plant doesn't
20 happen, it will compel - Motor Parkway
21 Associates and Holiday Associates to
22 construct their own private upgraded
23 treatment plant. So, those two plants will
24 never be filled and the two existing condo
25 and co-op plants would then be able to be

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retired which is something that the Health Department has been looking -- is much in favor of.

MR. GULBRANSEN: Your earlier answer was, "No public money will be spent?"

MR. HAYDUK: That is correct.

MR. GULBRANSEN: Does that apply to construction or does it also apply to full operation and maintenance?

MR. HAYDUK: Operation and maintenance is paid for by law by the users of the sewer district. So, with the expansion of the plant -- right now, the plant is operated with public funds, but not from the general tax payers. From the users within Sewer District 13, who were built by the sewer district.

MR. GULBRANSEN: Just to clarify.

So the increase would apply to all of Windwatch tax payers?

MR. HAYDUK: All the payers, absolutely. In fact, the cost are expected to go down significantly with the construction of this plant.

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MR. GULBRANSEN: Thank you.

CHAIRPERSON SWANSON: Any other questions?

MS. RUSSO: I am looking at the assessment on Page 3. The project requires storage of liquids fuels and chemicals described in the amount. The answer is, "Yes, 63,000 gallons of vehicle fuel and 10,000 gallons it costs to fill them." That is going to be the new volume of what you are holding, right? What is the existing right now?

MR. HAYDUK: Well, there are some chemicals being used there that are not going to be used anymore. For example, right now, the current plant is a type of plant that requires the use of methanol which -- so there is a methanol storage tank there now, but that is going to be retired and removed. So, those are the only two chemicals that are going to be --

MS. RUSSO: These don't currently exist yet right now? The DD-2 --

MR. HAYDUK: These are all the fuel

1
2 costs that exist there now, but those are
3 the quantities that will exist in the new
4 plant. These are fuel and costs that exist
5 there now in smaller quantities and methanol
6 exists there.

7 MS. RUSSO: The reason I was
8 questioning that is on Page 7, it says,
9 "Does permit -- the project required permit
10 or approval form," and only thing you have -
11 we ask for New York State DEC is for your
12 Speedy Discharge Effluent Permit -- you
13 don't have it --

14 MR. HAYDUK: But it does say Health
15 Department.

16 MS. RUSSO: No, no, no -- yes, okay,
17 but you will have your petroleum --

18 MR. HAYDUK: The tank applications are
19 submitted to and approved by the Health
20 Departments. Article 12 -- Article 6 --
21 Article 12.

22 CHAIRPERSON SWANSON: Is the methanol
23 used in nitrogen removal?

24 MR. HAYDUK: Actually, it is in the
25 current process. Yes, it is used as a

1
2 carbon source for the bacteria in the
3 extended aeration process, but it is not
4 necessary in the sequencing batch reactor
5 process which the new plant is going to be
6 which is good because methanol is a
7 dangerous chemical. It is a carbon source
8 for the bacteria, but it also explosive.

9 CHAIRPERSON SWANSON: And you're going
10 to discharge to groundwater?

11 MR. HAYDUK: Yes, just as existing.

12 CHAIRPERSON SWANSON: Again, this goes
13 beyond this project, but given the fact that
14 there is probably little likelihood that
15 there is going to be very many outfalls
16 going to costal waters, what do you see as
17 the capacity in terms of population in
18 Suffolk County water for our ability to
19 handle sewage?

20 MR. HAYDUK: I am not sure I grasp your
21 question. You want me to answer --

22 CHAIRPERSON SWANSON: What is the
23 carrying capacity for Suffolk County for
24 people when we come to dealing with sewage?

25 MR. HAYDUK: Well --

1
2 CHAIRPERSON SWANSON: Ten million,
3 three million, one point nine million?

4 MR. HAYDUK: Well, the answer to that
5 is probably embodied in the 208 study that
6 was done by the Health Department in the
7 early 1980's which set up hydro-geologic
8 zones throughout the entire county and
9 determined what the requirements of the
10 sewage treatment should be; ten million
11 grams per liter of nitrogen, and determine
12 that within the hydro-geologic zone of
13 Suffolk County that -- as far as septic
14 system discharge or full raw sanitary sewage
15 is concerned one house per acre or two
16 houses per acre depending on the
17 hydro-geologic zone is what the water supply
18 Suffolk County could withstand.

19 CHAIRPERSON SWANSON: So when you come
20 forward with these treatment plants, we can
21 be assured that you have gone back to the
22 old 208 study, and you are saying this
23 particular area has a little more capacity
24 or doesn't have capacity and that goes into
25 your assessment?

1
2 MR. HAYDUK: The area has capacity and
3 as much as we complied with the 208 Study,
4 in the design of the treatment plant,
5 meeting less than ten milligrams per liter
6 of total nitrogen in the discharge .

7 MR. BAGG: If I might clarify. The 208
8 study said, "If you are going to use any
9 ground sewage treatment, the acre and the
10 half-acre depending upon the zone applies."
11 It then says, "If you want to increase
12 density, then have to go to sewage
13 treatment," which is a technological means
14 to prevent contamination of groundwater. It
15 doesn't say that "you can't" have the
16 population density above certain matters. It
17 says if you are going to "exceed" the
18 capacity for natural environment plan for
19 sewage, you have to go to sewage treatment.

20 CHAIRPERSON SWANSON: Any other
21 questions?

22 Do we have a motion?

23 MR. MACHTAY: Motion.

24 MR. SWANSON: Do we have a second?

25 MS. GROWNEY: Second.

CHAIRPERSON SWANSON: Okay, we have a motion and we have a second.

All in favor?

(WHEREUPON, the Board voted.)

CHAIRPERSON SWANSON: All opposed?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Motion carries.

Thank you, Gentlemen.

Proposed Acquisition Open Space
Preservation Known as the Warner Property.

Lauretta?

MS. FISCHER: Good morning.

I have two proposal acquisitions before you. The first one is the Warner Property in the Town of Riverhead. This is a property at 13.5 acres in the Pine Barrens Core area along the Peconic River Corridor. We are looking to acquire the residual of the property. There is a conservation easement held by the Pine Barrens Commission.

On the property, we are looking to buy the remaining value. The property has or had a number of structures and debris on it.

1
2 It was a former duck farm and most of the
3 structures, except for one building,
4 remains. The debris has or will be removed
5 by owner. The other structure, we are
6 working with possibly the Town of Riverhead
7 to demolish the existing structure that is
8 there.

9 The Phase 2 analysis did not have any
10 indications that there were any issues that
11 we needed to address at this point in time,
12 and we are hoping to acquire the property
13 and then the Town of Riverhead would then
14 come in and demolish the remaining
15 structure. The reason we are not doing
16 this, before we acquire it, is because the
17 Town of Riverhead cannot do improvements
18 i.e., demolish the structure on private land
19 and we understand that, therefore, our
20 approach will be that we will acquire it,
21 and hold it in our real estate division
22 until the structure is demolished and then
23 transfer it to our Parks Department.

24 CHAIRPERSON SWANSON: Thank you. In
25 your packet today, was the limited Phase 2

1
2 Environmental Site Assessment.

3 Do you have any questions of Laretta?

4 MS. RUSSO: Good morning, Laretta.

5 Could you just explain why we are not just
6 requesting that the private owner before we
7 buy it from them to demolish the building
8 and take care of it?

9 MS. FISCHER: If I can bring up our
10 Real Estate Division, Chris Kent and Janet
11 Longo. They can explain how we came to that.

12 MR. KENT: Good morning. My name
13 Christopher Kent, Director of Division of
14 Real Property Acquisition and Management.

15 The reason we are not requiring the
16 owner -- the seller of the property to
17 demolish the building is that this is not
18 the Pine Barrens Core, and the building has
19 value -- it adds value to the property
20 because if the building is demolished prior
21 to our taking acquisition of the property,
22 the owner would lose all rights to the
23 building and could not reconstruct the
24 building. So the owner would not want to
25 demolish the building prior to our

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acquisition.

MS. RUSSO: Basically, it is like a sale safe for the owner. If he demolished the building and then you decided not to buy it, then he will be stuck without the building?

MR. KENT: That is correct. He would lose value without us purchasing the property. He could not find another buyer after tearing down the building that would pay the same amount of money that we are paying.

CHAIRPERSON SWANSON: Any other questions?

MS. SPENCER: What is this building?

MR. KENT: It is an old barn.

MS. SPENCER: How old?

MR. KENT: I don't know the exact age, but I would say, it is greater than 50 years.

MS. SPENCER: Why is it being demolished and not moved?

MR. KENT: Moved? It is very large. I would say it is probably a 100 feet in

1
2 length. It is rectangular. It quite a large
3 structure.

4 MS. SPENCER: Is it in good shape?

5 MR. KENT: It is in fair shape.

6 MS. SPENCER: What does that mean?

7 MR. KENT: I wouldn't say it is in good
8 shape. It has a dirt floor. It doesn't --
9 the roof is probably sound. It is probably
10 a sound structure. One of your options, if
11 the Town -- we are committing to having the
12 building removed within a 120 days after
13 closing and prior to our transfer to the
14 Parks Department. We have some options, the
15 Town of Riverhead being one of them. A
16 second option might be someone who might
17 want to salvage the barn to resell it, but
18 that would mean taking it apart.

19 MS. SPENCER: I am a little disturbed
20 that a barn that has a roof and its frame is
21 sound and it is more than 50 years old, is
22 being demolished.

23 MR. KENT: Well, we may opt to -- one
24 of our options is to seek out someone who
25 might want to salvage the barn.

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MS. SPENCER: Why wouldn't you want to leave it?

MR. KENT: The Parks Department, which is the ultimate manager of the property, does not want the structure.

MS. SPENCER: They made that determination on what basis?

MR. KENT: They have done site visits. They have looked at the barn. They believe it creates a greater liability than an asset to them.

MS. SPENCER: Has Historic Services looked at it? If it is 50 years old, it really should be evaluated and I question this automatic demolition.

MR. KENT: Like I said, it is not an automatic demolition. We are committed to the removal, not necessarily --

MS. SPENCER: Parks? May I hear from Parks?

MS. ~~STANFORD~~^{Sanford}: My name is Diana ~~Standford~~^{Sanford}. I am an Environmentalist for Suffolk County Parks.

I was asked to come here to request --

1
2 Parks would like to see the construction
3 debris and structures removed.

4 MS. SPENCER: I would like very much
5 that this be tabled until we hear from Parks
6 about this barn.

7 MS. ~~STANFORD~~^{Sanford}: I am from Parks.

8 MR. PICHNEY: Has Richard Martin of
9 Historical Services looked at it?

10 MS. ~~STANFORD~~^{Sanford}: I would actually have
11 to check back with you on that.

12 MR. PICHNEY: That is what we are
13 looking for.

14 MS. GROWNEY: I am also disturbed by
15 what I am hearing. If you were going to
16 offer it to someone to move to save it
17 somehow, I want to hear a description on how
18 that process would happen. What would be
19 acquired? I would also like to know if
20 there was some sort of engineer report --
21 architectural report on the structure
22 because, I agree, one hundred percent that
23 too many of these structures are getting
24 lost and with all due respect to Historians
25 -- Historians don't really know structure as

1
2 an engineer or an architect, and I think
3 that is a highly critical point, in addition
4 to which, I would like to know who if the
5 engineer or architect is an historically
6 oriented engineer or architect; not someone
7 who is used to doing new buildings,
8 commercial buildings, et cetera, et cetera.
9 Somebody who is familiar with this type of
10 structure. All too often the reports come
11 through from people who really are not
12 versed in how these buildings can be saved
13 properly.

14 CHAIRPERSON SWANSON: Thank you.

15 Any other comments?

16 Do I have a motion?

17 MS. SPENCER: I make motion to table
18 this.

19 MS. GROWNEY: I second.

20 CHAIRPERSON SWANSON: Motion to table
21 and a second.

22 Any further discussions?

23 (WHEREUPON, there was no response.)

24 All in favor?

25 Yes?

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2 MR. MACHTAY: I have a question.
3 Laretta, is there any urgency in this sale
4 or can it be held up for a period of time?

5 MS. FISCHER: I will refer to Real
6 Estate.

7 MS. LONGO: There is nothing that I am
8 aware of.

9 MR. KENT: Well, we have contracts
10 already. The money is available. I
11 wouldn't say it is urgent. Your next
12 meeting is in September and we will try to
13 make sure we have the architectural report
14 by September to establish some type of
15 condition of the barn and options for its
16 removal.

17 MR. MACHTAY: The owner is not looking
18 to backout?

19 MR. KENT: Well, the owner contacts us
20 at least weekly.

21 MS. LONGO: He would like to close the
22 deal.

23 MR. KENT: He would like to close the
24 deal but I don't -- it doesn't really
25 impact the owner what we do with the barn

1
2 because we have to do something with barn.
3 If we could authorize the set -- the
4 purchase and then make a condition as to
5 what we do after we acquire the property,
6 that would allow us to at least to close
7 with the owner. The owner is not removing
8 the barn. It is not his responsibility for
9 removing the barn. It is going to be the
10 County's responsibility as to how we are
11 going to treat the barn. So, I don't know
12 if there is some way that we can move
13 forward with the transaction -- the purchase
14 and then make a determination as to what we
15 have to do prior to our transfer to the
16 Parks Department.

17 MS. SPENCER: Larry, maybe I
18 misunderstood, but it has been my impression
19 that it is Parks that is asking to have this
20 structure removed?

21 MR. KENT: That is correct.

22 MS. SPENCER: What I am asking is, if
23 Parks and the Director of Historical
24 Services look at this, again, together
25 because I find that recommendation is what

1
2 is disturbing.

3 CHAIRPERSON SWANSON: So would you be
4 willing to modify your motion to allow the
5 purchase to go forward with a provision that
6 there be nothing done to the barn until --

7 MS. SPENCER: So that it has been
8 reevaluated. Yes, I can live with that.

9 CHAIRPERSON SWANSON: Do you withdraw
10 your previous motion?

11 MS. SPENCER: I withdraw my previous
12 motion.

13 MR. KENT: Thank you very much.

14 CHAIRPERSON SWANSON: Now to make a new
15 motion.

16 MS. SPENCER: I move that this purchase
17 may go forward if Parks and the Director of
18 Historic Services reevaluates the barn; the
19 age; the condition; and whether or not it
20 should be disposed and if so, how?

21 CHAIRPERSON SWANSON: Do we have a
22 second?

23 MS. RUSSO: I second.

24 MS. GROWNEY: I will seconded it based
25 on this be done with professional -- in a

1
2 professional way as to as I described
3 earlier with an architectural engineer
4 report.

5 CHAIRPERSON SWANSON: Any other
6 comments?

7 MR. BAGG: Yes, I would suggest that
8 the project is an Unlisted Action may get
9 with a -- that provides that before the
10 property is transferred to Parks Department,
11 that the barn be looked at and evaluated and
12 the options for either keeping it or
13 removing it -- you know, be explored and
14 presented to CEQ prior to giving it to
15 Parks.

16 MS. SPENCER: I prefer Jim's wording.
17 Let's make the motion that way.

18 CHAIRPERSON SWANSON: You are happy
19 with that?

20 MS. GROWNEY: I am happy with that and
21 I will second.

22 CHAIRPERSON SWANSON: I have one
23 additional request. We have talked about
24 having an architect look at it. There are
25 many architects that have no regard for old

1
2 buildings. When I had an architect look at
3 my old house, he said it should come down
4 and build a new one. So I would suggest
5 that we have an architect that is familiar
6 with this storage structure.

7 MS. SPENCER: I would be comfortable if
8 Richard Martin looked at it. You know this
9 may not be a significant barn. It may not
10 be in good shape, but I am just asking that
11 Parks and Historic services revisit the
12 barn.

13 CHAIRPERSON SWANSON: We have a motion
14 and a second.

15 All in favor?

16 (WHEREUPON, the Board voted.)

17 CHAIRPERSON SWANSON: All opposed?

18 (WHEREUPON, there was no response.)

19 CHAIRPERSON SWANSON: No opposes,
20 motion carries.

21 MR. KENT: For clarity sake, can I just
22 say, the motion is overdrawn. We are able to
23 go forward with the acquisition. Prior to
24 the transfer of the property to the Parks
25 Department, we have to come back to CEQ for

1
2 permission on how to handle the barn
3 situation.

4 CHAIRPERSON SWANSON: Correct.

5 MR. KENT: Thank you.

6 CHAIRPERSON SWANSON: Laretta?

7 MS. FISCHER: Thank you.

8 The next one before you is Conservation
9 Easement in the Laurel Lake area, Town of
10 Southold.

11 There is a 7.89 acre cut-out of the
12 property shown on your map. We have
13 identified the area remaining that we are
14 going to be acquiring, the Conservation
15 Easement. All the solid red areas are the
16 areas that we will be retained by the owner
17 in full. There is a small wetland and
18 wetland fringe around the lake. I have
19 outlined it in blue. There is a wooded area
20 on the south easterly side and also on the
21 northern side. There is a large open grass
22 area in the center of the property. We have
23 cut out an area that when you look at the
24 solid red area, there is a section that
25 pulls down into the grass line area. There

1
2 was a garden in this vicinity. We have cut
3 that out so that the individual owner can
4 retain use of the private garden, but we
5 have retained all the other features in and
6 around the area. We are looking to acquire
7 this easement with the idea that it be
8 retained in its natural state with a
9 grassland where the grassland can be mowed
10 two times a year. I handed out, I believe,
11 a list of the major components of the
12 easement in your packet. Do you have any
13 questions regarding that?

14 CHAIRPERSON SWANSON: Any comments?

15 MR. GULBRANSEN: Where is the access to
16 the property?

17 MS. FISCHER: The access actually is a
18 dirt road cutting down through the northern
19 portion of the property. We also own
20 adjacent to it just north of there as well
21 (indicating.) You can see that Suffolk
22 County outlined in green, those are
23 properties owned at the present time by the
24 County of Suffolk.

25 The other component of this is that

1
2 there is a possibility that the Town of
3 Southold has the option of creating a
4 walking trail in the yellow outlined that
5 goes around the westerly perimeter of the
6 property. So, if the owner is agreeing, the
7 Town of Southold can then proceed to create
8 a walking trial on that portion of the
9 easement. It is primarily a 10 foot wide --
10 maximum 10 foot wide trial of allowance. So
11 that would then have to be negotiated with
12 the County Parks Department, as well as with
13 the Town Southold. The Town of Southold
14 would then get the permission from the owner
15 to create such a trail and that would
16 hopefully connect the Town of Southold
17 property to the south and east up through
18 our property and around the lake itself.

19 CHAIRPERSON SWANSON: Any questions?

20 MR. PICHNEY: When will the grasslands
21 be mowed?

22 MS. FISCHER: It is indicated in the --
23 hold on, let me get the wording for you --

24 MS. RUSSO: I see between the dates of
25 November 1st and April 1st.

1
2 MS. FISCHER: Thank you. That was
3 discussed with the Parks Department to come
4 to that time and amount of -- sorry.

5 MR. PICHNEY: That allows for bird
6 migration to take place and butterflies and
7 whatever --

8 MS. FISCHER: That was taken all into
9 consideration to come to that timeframe. We
10 are hoping to create our natural grasslands
11 and then encourage, obviously, the natural
12 birds that use grasslands -- to use the
13 property in the area.

14 CHAIRPERSON SWANSON: Any other
15 questions?

16 Do we have a motion?

17 MS. RUSSO: I make a motion. I
18 listened to the Action.

19 CHAIRPERSON SWANSON: Can we get a
20 second?

21 MR. MACHTAY: Second.

22 CHAIRPERSON SWANSON: All in favor?

23 THE BOARD: Aye.

24 (WHEREUPON, the Board voted.)

25 CHAIRPERSON SWANSON: All opposed?

2 (WHEREUPON, there was no response.)

3 CHAIRPERSON SWANSON: Motion carries.

4 Is there any other business?

5 (WHEREUPON, there was no response.)

6 CHAIRPERSON SWANSON: Anybody want to

7 ~~say~~ ^{stay} here until noon? (Laughing)

8 Do we have a motion to adjourn?

9 MS. GROWNEY: I make a motion to
10 adjourn.

11 CHAIRPERSON SWANSON: We have a motion.

12 Do we have a second?

13 MR. PICHNEY: Second.

14 CHAIRPERSON SWANSON: All in favor?

15 THE BOARD: Aye.

16 (WHEREUPON, the Board Voted.)

17 MR. SWANSON: Motion carries.

18 See you in September.

19 (WHEREUPON, this meeting was adjourned
20 at 11:15 a.m.)

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

STATE OF NEW YORK)

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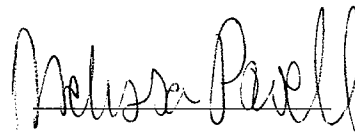
COUNTY OF SUFFOLK)

I, MELISSA POWELL, a Shorthand Reporter and Notary Public of the State of New York, do hereby certify:

That the within transcript was prepared by me and is a true and accurate record of this hearing, to the best of my ability.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 20 day of August, 2008.



MELISSA POWELL

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