

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

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REFERRAL FROM TOWN BOARD
PETITION FOR ZONE CHANGE
TOMKINS CAMF LLC

- - - - - X

Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
January 26, 2023
8:03 p.m.

BEFORE:

JAMES PURCELL, ACTING CHAIRMAN
KERRI ALESSI, BOARD MEMBER
ROLAND BIEHLE, BOARD MEMBER
MICHAEL FERGUSON, BOARD MEMBER
ERIC JASLOW, BOARD MEMBER
JERRY ROGERS, BOARD MEMBER

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CHAIRMAN PURCELL: We'll keep moving forward. Referral to the Town Board for the petition for the zone change for Tomkins CAMF, LLC. Amy?

MS. MELE: Hi, back again. I'm here tonight as me, not of counsel to Mr. Emanuel. So my office address is 100 Dutch Hill Road, Suite 330, Orangeburg, New York. I'm here on behalf of the applicant. I'm going to just call them CAMF for ease of reference.

So we submitted a petition back in November for application of the Town's new -- and I know I'm going to butcher the acronym unless I actually look at it. It's the rail and river brownfield redevelopment floating zone. And it was adopted by the Town Board last year to basically see if it could put some of these underutilized properties along the river that have been subject to cleanups and whatnot to some viable use that could bring some tax ratables to the Town, maybe some jobs to the Town. So there are probably, what, three or four properties that

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qualify for it. Our client is one of them.

Our client is a little different than some of the other properties that qualify, in that we don't have any existing operations up and running. They purchased the 57-acre former GenOn Lovett plant back in 2020. So John Atzl is with me tonight. He's going to be able to show you the different parcels that we have involved.

But basically, the way that the floating zone is written is that we have to submit a petition. The petition has to contain certain information. And that's set forth in the petition. I can go through each and every one, if you like, or however you'd like to go about it. But I'm pretty confident that we've submitted in the petition all the information required to submit a full petition.

Now, once that petition gets approved by the Town Board, the floating zone sort of, for lack of a better term, gets plopped down on the property. And then you've got this floating zone, and you can do some different

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things. The interesting thing about this floating zone is that it does anticipate that you'll be coming back to the Town for additional reviews as their operations evolve.

And so a lot of what's in this petition is what our client plans to do. They're in the renewable energy business. A lot of what we talk about in here is the storage of wind turbines, the making of underwater mattresses to hold conduit, some warehousing activities. Maybe, maybe the possibility of setting things down on barges. They're working on a rail connection with CSX as we speak.

And the code has written into it that if you fall below a certain threshold, which is really kind of like the Type II threshold, you know, if you've got something that's like less than a 4,000 square foot impact. Like, if we wanted to put up a salt dome or something, then we can go to the Building Inspector for a special use permit. And if it rises above that level, then we're required to return to you all for site plan

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2 approval.

3 So tonight is just the very beginning of
4 that process. The law calls for the Planning
5 Board to look at our petition and see if it
6 does, in fact, meet the requirements. And
7 then make a recommendation back to the Town
8 Board in terms of yes, we reviewed it, we
9 think that the petition contains all the
10 information necessary for you to make a
11 decision on the floating zone.

12 We're due to go back to -- I think
13 there's a 60-day requirement on that. And
14 then we're due to go back to the Town Board,
15 who then could accept, hopefully accept your
16 positive recommendation. And then, you know,
17 our plans will further develop from there.
18 And like I said, as each individual use
19 evolves, we'll consult with Mr. Hager and
20 make a determination, does this, you know,
21 fall below the special permit, or does it
22 rise to the level of site plan approval.

23 But I can go through the petition. But
24 before I do that, why don't I let John orient
25 you and show you the properties that we're

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2 talking about.

3 MR. ATZL: Hi. Good evening. John
4 Atzl, Atzl, Nasher and Zigler, surveyors and
5 engineers for the project.

6 The green parcels are actually zoned
7 residential. And most of these parcels are
8 encumbered by overhead power lines and steep
9 slopes. So these parcels will not be
10 developed.

11 This area over in here is the coal ash
12 pile from the coal plant that used to be in
13 the area. And this is zoned, the brownish
14 area is zoned light industrial.

15 And this blue area down in front is
16 zoned planned waterfront development
17 district. And this is actual the old Lovett
18 plant that was, that was on-site. And this
19 area, the Board also may be familiar, is this
20 is where they built the platforms and the
21 decking for the Tappan Zee Bridge when the
22 Tappan Zee Bridge was rebuilt. And this area
23 down here is the Tilcon area. And this is
24 the roadway coming down into the area.

25 Like I said, the green areas are

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residential, and they most likely will not be developed because they're encumbered by slopes and overhead utilities. And this area is where most of the action will take place in the, along the river for the renewable energy that Ms. Mele mentioned.

MS. MELE: Would you like me just to go through really quickly the elements that have to be set forth in the petition, why we believe they're in there?

CHAIRMAN PURCELL: Yes, please.

MS. MELE: Okay. So we have to show minimum lot size. The site shall contain at least ten acres under Section 215-16. And the combined parcels in this particular application total 56. So we far exceed the minimum lot size.

The site shall have been formerly used for intensive industry mining or utility purposes, and contain or perceive to contain the potential for soil and groundwater contaminants. And if we look at the FEAF that we submitted in connection with the application, they say that the former Mirant

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Lovett power plant was subject to a remediation, and all of the information is there on that. So I believe we meet that requirement as well.

We need to have freight access, which my client is working with CSX on at the moment, and we don't see an issue with obtaining freight access.

MR. ATZL: No.

MS. MELE: If you could see where the railroad --

MR. ATZL: Yeah. Actually, the railroad, this going right through here, this is where, this is the railroad that runs along the river. It's just west of the Lovett plant site, and just east of the old coal ash pile.

MS. MELE: We had to examine that we had a suitable plan for continuous and adequate access by emergency vehicles. And we've submitted our client's emergency evacuation plan as it stands now. You know, as additional uses may be added, that plan may be revised to provide for access to

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additional parts of the site. But we do have that included in the petition.

Water and sewer resources to the site shall be adequate. There are, there is access to water and sewer at the property.

Other considerations set forth in 255 155D, a description of hazardous materials to be stored at the site. We don't anticipate storing a large amount of hazardous materials. In the narrative, you'll see we're thinking, you know, maybe some motor oil and some other things like that. But, you know, nothing, no large storage of hazardous materials.

A description of heavy equipment that might be utilized. We do anticipate that heavy equipment such as cranes and bulldozers and loaders will be utilized at the site. And they also wanted a description of the average noise levels, which, once we determine what particular equipment we're using, we'll certainly provide noise data on that equipment. But given what was there previously, and given this residential buffer

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parcels where nobody actually resides, we don't anticipate any significant noise impact in the area. In fact, this is really sort of a perfect place for it.

A description or a plan of any new construction proposed at the time of the petition. And if -- that's set forth on Pages 4 and 5 of the narrative. And that's kind of the preliminary things that we're looking at doing. And an office complex, and probably a temporary style type building. Perhaps a small maintenance site, some -- a storage yard.

And you know, some, perhaps some storage structures, you know, yet to be determined. If they're under 4,000 feet, we'll discuss with Mr. Hager. If they're over that, we'll come back to you for approval. And let's see.

BOARD MEMBER JASLOW: I just have one question.

MS. MELE: Yeah.

BOARD MEMBER JASLOW: Can we, like, with the hazardous materials, can we limit what

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they can store down there? Or is it just blanket, they can store hazardous materials.

MR. STACH: No. I mean, I think if there's something in particular that you're concerned about, you can --

BOARD MEMBER JASLOW: Well, I don't know what I'd be concerned about yet.

MR. STACH: So the way this is supposed to work is that the -- if they want to just do the logistics, if they just want to do the outdoor storage type operations. They wouldn't have to come here, and they wouldn't have to talk to you. But they still have to go to John O'Rourke and John Hager. And one of the things that John Hager has to look at before issuing a building permit are the OSHA requirements regarding handling and storing of hazardous materials. So he's doing an administrative review to make sure that they're following whatever procedures and rules govern the storage of those materials.

BOARD MEMBER JASLOW: Right. But let's just say, you know, they want to put radioactive waste down there. Can we limit

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that that can't happen? Or if something that can really be detrimental to the town if there's an accident, or safety features they put in.

MR. STACH: You can, you can recommend. I would think it would be, if those are the things that you're consider -- you know, because salt is a hazardous waste, right. So I'm thinking, yeah, you don't want dynamite, right. You don't want, like --

BOARD MEMBER JASLOW: Right.

MR. STACH: So my point is, I would say that what you could recommend, if these are the things you're considered about, when you recommend to the Town Board, you can recommend that storage of hazardous materials be limited to those materials, you know, traditionally associated with the business they say they're going to pursue, which is this offshore energy logistics type maritime business. And if it's outside of that sort of envelope, the Town Board really should require an additional authorization, something like that.

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BOARD MEMBER JASLOW: Okay. Thank you.

MS. MELE: And we would have no problem with such a recommendation. And I think the Town Board would probably want that in place, too. You know, when they added this section to the code, they amended Section 215-13, which was prohibited uses to take out the bulk or wholesale storage of gasoline above ground. So that's contemplated, that that could possibly happen. But it certainly didn't affirmatively say that we could store just any types of hazardous waste that we wanted.

I might even go one step further than Max and say that if we are deciding that we're going to take a certain square footage or area of the site for storage that, you know, that is something that we have to run by John and John. And if, I think they want to know, what are you storing. And then any use permit that they issue or any site plan that you issue, if it rises to that level, you could put that in there as a stop gap.

BOARD MEMBER BIEHLE: It needs to be

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2 said, the whole site is remediated?

3 MS. MELE: The -- well, the coal ash,
4 that's pretty much going to stay as it is,
5 right? I mean, that's not --

6 MR. ATZL: I believe so, yeah.

7 BOARD MEMBER BIEHLE: What did they do,
8 what did they do to cap it?

9 BOARD MEMBER FERGUSON: No. They're
10 going to use it.

11 BOARD MEMBER BIEHLE: No, but it's got
12 to be capped. What's the brownfield --

13 MR. ATZL: That, I don't have an answer
14 on that.

15 MS. MELE: I'm not sure.

16 BOARD MEMBER BIEHLE: Is there a site
17 management plan on it from DEC?

18 MS. MELE: Yeah, there is.

19 BOARD MEMBER BIEHLE: Are these
20 including a site management plan?

21 MR. ATZL: Yeah. The coal ash has been
22 capped.

23 BOARD MEMBER BIEHLE: It has been
24 capped.

25 MR. ATZL: Yes.

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2 BOARD MEMBER BIEHLE: And are there
3 monitoring wells on it?

4 MS. MELE: Oh, thank you, John. Yeah,
5 if you look at the back of the petition,
6 right behind the signed EAF, you know, the
7 EAF mapper will bring up the remediation
8 database search details. And it has -- let's
9 see. The Lovett gas regulator station
10 classification superfund program C, EPA IP
11 number. ID number, sorry. And health
12 assessment. And I'm sure we could get you --
13 oh, yeah.

14 BOARD MEMBER BIEHLE: There should be a
15 site management plan.

16 MS. MELE: Yeah.

17 BOARD MEMBER BIEHLE: If it's a
18 brownfield site. You may have monitoring
19 wells on there.

20 MS. MELE: Yeah, there's a ROD. There's
21 a record of decision with the DEC. So all of
22 that has to be in the ROD. I didn't attach
23 the ROD in here, but the, but it's
24 referenced.

25 BOARD MEMBER BIEHLE: It would be nice

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2 to see the site management plan.

3 MS. MELE: Sure.

4 BOARD MEMBER BIEHLE: I mean, this cap,
5 is it a foot, do they have a demarcation line
6 that actually, so if you're digging, you can
7 actually --

8 MS. MELE: Having done this type of work
9 before, I can assure you that there is a
10 demarcation line and some prohibitions on
11 digging and whatnot. But it's a good point.
12 We'll -- the ROD is referenced in here, the
13 record of decision. But we'll get you a copy
14 of it. Or at least provide you with the
15 electronic link to it. It might be rather,
16 you know, kind of lengthy.

17 MR. O'ROURKE: If I may, before we go
18 down all these --

19 MS. MELE: Yeah.

20 MR. O'ROURKE: -- obviously rabbit
21 holes. You know, this, to remind the Board,
22 this was generally all discussed when we
23 first had a recommendation to the Town Board
24 to adopt this zoning. It was specifically
25 for this project and this property. So the

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Board kind of has already reviewed this. And specifically those issues. As to the hazardous waste, I have no issue with what you're doing. But there are DEC regulations that govern all hazardous waste, along with building and code and engineering.

BOARD MEMBER FERGUSON: And county.

MR. O'ROURKE: So, you know, there's a set -- again, with the first time you did the recommendation, there's a set criteria, what's permitted in these zones. And we were very specific when we went through those and adopted those, and Max coordinated that with the Town Board when we adopted that, when the Town adopted that zoning.

So most of those answers have already been kind of addressed. And this is just taking, yup, you have adopted the zoning specifically for this project, and now this project is here saying yes, we're going, we're moving forward. Which is where we are today.

MS. MELE: Thank you, John. Yes. I was actually just going to add that there was a

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2 SEQR review conducted when this floating zone
3 was enacted. And those, you know, issues
4 were considered. But yes, thank you.

5 BOARD MEMBER FERGUSON: I believe the
6 DEC monitors the site no matter what goes on
7 for the next ten years or something.

8 MS. MELE: Yeah.

9 MR. ATZL: That's part of, that's part
10 of DEC.

11 BOARD MEMBER FERGUSON: And it's 400
12 grand a year, or 600 grand a year.

13 MR. ATZL: With a cycle of
14 contamination, yeah.

15 MR. STACH: And I would add that it's
16 even more than regulation. I believe there's
17 covenants and easements, right, environmental
18 easements over properties, if necessary, to
19 be imposed.

20 MS. MELE: This is a patchwork of
21 covenants and easements all over these
22 properties that we're going to have to deal
23 with, yes.

24 MR. STACH: Which I think goes sort of
25 beyond even regulation. It's, there's, you

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2 can be brought with civil penalties, right,
3 if it's an easement.

4 MS. MELE: Yeah.

5 MR. STACH: The other thing is, Amy
6 makes a good point with regard to the
7 hazardous wastes or materials. There is a
8 code section that still applies to this
9 property even after designation that says
10 what you can and cannot store there. And
11 it's things like, you know, incineration of
12 waste materials, septic sewage waste,
13 explosives, stockyard, slaughterhouses. All
14 of this nitrating of cotton or other
15 materials. All this rubber lanolin and
16 manufacturing. That still applies. It's
17 just the industry type of materials have to
18 be monitored by the Building Department. And
19 these still don't, are still not allowed on
20 the site.

21 BOARD MEMBER JASLOW: Thank you.

22 MS. MELE: So I guess, I don't know,
23 maybe in terms of where do we go from here, I
24 don't want to give Max work to do, but.

25 MR. STACH: Well, no.

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MS. MELE: Maybe Max or John or, you know, would like to just look and see and, you know, do we at least make a prima facie case for application of the zone, knowing that, you know, we'll be back again to see you when we start site specific.

MR. O'ROURKE: Just, and I'll let Max and the attorney jump in, but this was kind of kicked to us from the Town Board for a recommendation.

MR. ATZL: Exactly.

MS. MELE: Exactly.

MR. O'ROURKE: So I would think, and I don't want to speak for the Board, but normally you would say okay, if you're in favor of this, which I'm going to go out on a limb and say yes, you are, because you did this once before.

MS. MELE: Well, yeah. That's what I'm asking for. Yeah.

MR. O'ROURKE: You're basically going to write a letter back to the village, or to the Town Board saying yup, they presented us tonight, and we recommend that the Town Board

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consider this zone for these properties. I think we're running out of time, if I remember correctly. It was submitted a while ago, and I think there was just a gap in --

THE CLERK: December 16th.

MR. O'ROURKE: I think you had 60 days in which to do it, so I --

THE CLERK: This is the meeting.

MS. MELE: Yeah. I think something with, like, the holidays, and the fact that the Town Board only had, like, one meeting, or maybe didn't have one in December. We're a little close to the deadline.

MR. O'ROURKE: Yeah. So I would think if the Board's in favor of that, you could have Steve write up a letter for the Chairman's signature recommending -- again, that's --

THE CLERK: We have to do it tonight.

MR. O'ROURKE: That's if you're still in favor of this project in this zone here, but.

MR. STACH: Yeah. I think there's, in the referral language of the code, there's really two things that you're supposed to

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look at. One is the materials that Amy went over which had to do with that they actually meet the requirements for landing the zone, and I think she covered that in the petition fairly well.

The other is whether or not this meets the purpose of the law, right. And that was, you know, will this return vacant and underutilized properties to gainful reuse. Will it attract businesses that will generate a local demand for labor. Will this encourage remediation of contamination. Will this use waterfront lands for water dependent industry. Will this reduce over road tractor-trailer traffic by depending on, you know, the river and the rail for transportation. Will this support regional Hudson River infrastructure and green energy initiatives. Will this prioritize reuse of commercial and industrial sites. And will this protect the character of existing neighborhoods.

If you feel that it meets those purposes, that is the basis by which you make

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a positive recommendation for landing the zone. And then I think lastly, if there's anything you see here that you want to recommend to the Town Board. So is there, you know, anything that you feel like they just need to pay a little attention to, and make sure that it considers something because in your expertise as reviewing site plans, you see something pressing that needs to be addressed.

CHAIRMAN PURCELL: My only question is, I know it was asked at the TAC meeting, but there's going to be no maritime moorings out there. You're going to have no barges, no ships that are going to be mooring offsite in the river.

MS. MELE: I think what was asked at the TAC meeting -- I just don't want to misspeak for them.

CHAIRMAN PURCELL: Right.

MS. MELE: Was there's been some scuttlebutt going around on the internet about some barges and some moorings and whatever that are going on in a different

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part of the river. That is not this corporation. It might be under the umbrella off the, like, national, multinational corporation that, you know, is of which CAMF is a subsidiary. But they have to deal with the Army Corps of Engineers on all of that.

Whether ultimately they are going to attempt to revitalize, you know, some area with, you know, a barge or some moorings or something like that, you know, I wouldn't venture to guess. But certainly, we'd have go through the proper permitting process with you, the Army Corps, DEC, whoever we have to talk to.

MR. STACH: Right. I don't think it does include the Town.

MS. MELE: No. I think it's just the Army Corps, to be honest with you, yeah.

MR. STACH: And I think that's a salient point, is that moorings in the river don't have anything to do with the Town of Stony Point.

CHAIRMAN PURCELL: Right.

MR. STACH: They have no jurisdiction.

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2 And anybody, once a mooring is established,
3 anybody can use it.

4 CHAIRMAN PURCELL: Right.

5 MS. MELE: Right.

6 MR. STACH: As long as it's --

7 MS. MELE: Yeah. I'm more thinking of,
8 like --

9 MR. ATZL: You can hook up to it if you
10 like.

11 MS. MELE: I'm more thinking of less,
12 just a mooring that I am thinking of, like at
13 some point in the future, would they like to,
14 you know, repurpose a conveyor belt or
15 something that goes down. Or, you know, but,
16 you know, we're just not prepared to, you
17 know, commit to anything specific right now.

18 CHAIRMAN PURCELL: That was a good
19 question brought up at the TAC meeting.

20 MS. MELE: Yeah. But, yeah. If you do
21 get questions about that, that is not this
22 application. That's not this corporation.
23 And it's not the Town's jurisdiction in any
24 event, so.

25 MR. STACH: But the applicant did

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2 clarify that there is a pier out there that's
3 going to be renovated and reused for this
4 particular business.

5 BOARD MEMBER BIEHLE: It is.

6 MS. MELE: Well, that's the current --

7 MR. O'ROURKE: Yeah, that's the whole,
8 that's the whole point.

9 MR. ATZL: Right. I believe they're
10 going to use the river and rail, both.

11 MS. MELE: So the pier, I think, yeah.

12 MR. STACH: So you are going to see
13 barges there.

14 CHAIRMAN PURCELL: No, but the question
15 was, it's going to become like a Tilcon,
16 where they're just going to start loading up
17 barges and --

18 MR. STACH: And they sit there for --

19 CHAIRMAN PURCELL: They sit there. And
20 not who they are, what they are. It's not in
21 our purview. But it was definitely addressed
22 at the TAC meeting. That was a good question
23 that was asked.

24 MS. MELE: Right. Yeah, that is a good
25 question.

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CHAIRMAN PURCELL: People were asking.

MS. MELE: Right. And I just point out also that, you know, unlike Tilcon, you know, we're not mining a product to ship out. You know, we're staging products to transport to other places.

CHAIRMAN PURCELL: That's what you need the docks for. All right. So I guess we need a motion to, a letter of recommendation for accepting the floating zone petition for this project.

BOARD MEMBER ROGERS: I'll make the motion, Mr. Chairman.

CHAIRMAN PURCELL: Need a second.

BOARD MEMBER ALESSI: I'll second.

THE CLERK: Okay.

CHAIRMAN PURCELL: We're good, Mary?

THE CLERK: Uh-huh.

CHAIRMAN PURCELL: Can you do roll call, please.

THE CLERK: Sure. Mr. Biehle?

BOARD MEMBER BIEHLE: Yes.

THE CLERK: Mr. Jaslow?

BOARD MEMBER JASLOW: Yes.

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Proceedings

THE CLERK: Mrs. Alessi?

BOARD MEMBER ALESSI: Yes.

THE CLERK: Mr. Ferguson?

BOARD MEMBER FERGUSON: Abstain.

THE CLERK: Mr. Rogers?

BOARD MEMBER ROGERS: Yes.

THE CLERK: Chairman Purcell?

CHAIRMAN PURCELL: Yes.

MS. MELE: Okay. Thank you very much.

MR. ATZL: Thank you very much.

MS. MELE: Nice seeing you.

(Time noted: 8:28 p.m.)

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Proceedings

THE FOREGOING IS CERTIFIED to be a true
and correct transcription of the original
stenographic minutes to the best of my ability.

Jennifer L. Johnson