

1 STATE OF NEW YORK : COUNTY OF ROCKLAND  
2 TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER

4 OF

BA MAR MANUFACTURED HOME PARK

5 - - - - - X

Town of Stony Point  
RHO Building  
5 Clubhouse Lane  
Stony Point, New York  
May 23, 2019  
7:54 p.m.

9 BEFORE:

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- THOMAS GUBITOSA, CHAIRMAN
- 11 PETER MULLER, VICE CHAIRMAN
- MICHAEL FERGUSON, BOARD MEMBER
- 12 ERIC JASLOW, BOARD MEMBER
- PAUL JOACHIM, BOARD MEMBER
- 13 EUGENE KRAESE, BOARD MEMBER

14

15 APPEARANCES:

- 16 STEPHEN M. HONAN, ESQ., Special Counsel
- MAX STACH, Town Planner
- 17 JOHN O'ROURKE, P.L.S., Town Engineer
- WILLIAM SHEEHAN, Building Inspector
- 18 MARY PAGANO, Clerk to the Planning Board
- IRA EMANNUEL, ESQ., Attorney for Applicant

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1 Proceedings

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3 CHAIRMAN GUBITOSA: Next is Ba Mar. All  
4 right, this is, I'm sorry, Ba Mar  
5 Manufactured Home. It's located on the south  
6 side of Grassy Point, and it's a review.

7 VICE CHAIRMAN MULLER: Ira, we're all  
8 warmed up for you.

9 MR. EMANNUEL: The projector or you?

10 VICE CHAIRMAN MULLER: Both.

11 CHAIRMAN GUBITOSA: All right, Ira, tell  
12 me when you're ready. All right, thank you.  
13 You can go ahead. Go ahead, Ira.

14 MR. EMANNUEL: Okay. Good evening. Ira  
15 Emmanuel, 4 Laurel Road, New City. I'm the  
16 attorney for the applicant. This is a  
17 continuation of our discussion with respect  
18 to redevelopment of the homes.

19 CHAIRMAN GUBITOSA: Speak into the mic.

20 MR. EMANNUEL: Sorry.

21 CHAIRMAN GUBITOSA: All right.

22 MR. EMANNUEL: I thought I was.

23 CHAIRMAN GUBITOSA: Oh, wait.

24 BOARD MEMBER JOACHIM: Might not be on.

25 MR. EMANNUEL: Okay, now it's on.

1 Proceedings

2 CHAIRMAN GUBITOSA: How is that?

3 MR. EMANNUEL: I'll start over. Is that  
4 better?

5 CHAIRMAN GUBITOSA: Yeah, go ahead.  
6 Sorry.

7 MR. EMANNUEL: You have my appearance?  
8 Okay. So this is a continuation -- oh, wow.  
9 This is a continuation of the discussion that  
10 we've been having with respect to the  
11 redevelopment of the Ba Mar homes, mobile  
12 home park down at Grassy Point. We've  
13 appeared before the Board a number of times.  
14 We've appeared in front of TAC many, many  
15 times as this project keeps evolving and we  
16 think improving over time.

17 One of the things that we want to talk  
18 to you about this evening is the visual, the  
19 visual impacts of the proposal. We've got  
20 some new visuals that were prepared in  
21 accordance with the guidelines that were  
22 given by Mr. Stach. In the meantime, in  
23 addition to that, we've also had some  
24 conversations with Mr. Sheehan. We've worked  
25 out an understanding as to how the wetlands

1 Proceedings

2 regulations and the stream regulations apply  
3 with respect to the plan.

4 So with that, I'd like to turn it over  
5 to Mr. DeGennaro, who is our project  
6 engineer. And he's going to walk you through  
7 these visual impact studies so you can have  
8 an idea of what the difference is going to be  
9 between the current views and what we're  
10 proposing.

11 MR. DeGENNARO: Okay. My name is Ken  
12 DeGennaro from Brooker Engineering. We're  
13 handing these updated visual simulations out.  
14 These have been revised as per coordination  
15 with Max's office. So I wanted to pass them  
16 out to you. I wasn't sure how they would  
17 project on the screen.

18 So this first slide is taken, is a  
19 photograph taken east of the Penny Bridge  
20 looking south. It's overlooking more of the  
21 peninsula area of Ba Mar. And this is a good  
22 one because right here -- so existing  
23 conditions is on the top. Right there, this  
24 is the outparcel that's going to remain. So  
25 you can see how it stays the same, obviously,

## 1 Proceedings

2 for existing and proposed conditions.

3 This, I think these were prepared by Dan  
4 Sherman. He did an excellent job of this  
5 because it really does show the impact of the  
6 fill that we're proposing. So if you look at  
7 this outparcel home right there, in the ridge  
8 of that, compared to the ridge of the  
9 existing structures here, the existing  
10 structures are a little bit below the ridge  
11 of the outparcel buildings and that's going  
12 to remain.

13 So down here where you're going to  
14 propose, and obviously we're elevating, so  
15 the bridge is really the ridge of the new  
16 buildings at this location are a little bit,  
17 just a little bit higher than the ridge of  
18 the existing building that remains. So I  
19 think this view in particular does a good job  
20 of demonstrating the impact with respect to  
21 visual esthetics of the fill. So we have two  
22 more locations.

23 CHAIRMAN GUBITOSA: Now, is that with  
24 the, with the seawall raised?

25 MR. DeGENNARO: That's the same seawall.

## 1 Proceedings

2 At this location, we have a lot of room from  
3 the seawall to the backyards of the new  
4 building, which would be here. So you could  
5 see the ground, that's the timber cribbing  
6 seawall, and that's the same for existing and  
7 proposed. And then you can see all the  
8 plantings upland of that seawall.

9 We have a lot of options in that area  
10 with what we can do. If the wall is going to  
11 remain, heavy fill above, what we're going to  
12 plant it with. There's a lot of horizontal  
13 separation from that wall to where our houses  
14 are, as opposed from the existing conditions  
15 right here, where you see the red house and  
16 the white house, they're really right on top  
17 of the seawall at that location.

18 CHAIRMAN GUBITOSA: Right.

19 MR. DeGENNARO: So this is another  
20 picture now, also east of the Penny Bridge,  
21 but this is looking more west towards Ba Mar  
22 Drive. So it's not the peninsula where it  
23 kind of turns. But this is more like a main  
24 street.

25 So at this location you could see,

## 1 Proceedings

2 obviously, existing conditions on the top,  
3 proposed on the bottom. Here we do have the  
4 timber cribbing seawall that's staying the  
5 same for proposed conditions. The green  
6 above it is a sloped area that's going to --  
7 that represents the fill. And then you can  
8 see the home behind there. That would be  
9 placed on the, on the west side, New Ba Mar  
10 Drive.

11 BOARD MEMBER JASLOW: Just, when we went  
12 for the walk through, just, there's like  
13 four feet of fill or something --

14 MR. DeGENNARO: Right.

15 BOARD MEMBER JASLOW: -- going there.  
16 So it's actually being raised up.

17 MR. DeGENNARO: Yes, correct. At that  
18 location, it was about four feet. And  
19 luckily for us, at that location, again,  
20 there's some existing parking stalls that are  
21 perpendicular to Ba Mar Drive. And those are  
22 coming out. So the location of Ba Mar Drive  
23 is staying the same. Stalls are coming out.  
24 And that gives us some more horizontal  
25 distance to achieve that change in vertical

## 1 Proceedings

2 grade.

3 As we get closer, as we travel north of  
4 Ba Mar Drive, it does get a little bit  
5 tighter, and that will require some more  
6 detailed evaluation of the seawall itself and  
7 how we want to transition with the changing  
8 grade. But we're hoping to get through with  
9 the DEC and make some progress with the  
10 layout, and that will certainly be a design  
11 detail we'd love to progress with.

12 So that one we looked at. And again,  
13 this picture, you saw something similar last  
14 month that was part of the full Part 3 EAF.  
15 Obviously this is from Ba Mar Drive, from  
16 Grassy Point Road looking down the street to  
17 Ba Mar Drive.

18 So you can see for reference the utility  
19 pole stays the same. That's in the  
20 right-of-way, we're not moving that. And the  
21 wires here going to our site are shown as  
22 being removed. And again, we're coordinating  
23 that with Orange and Rockland as to the  
24 feasibility of underground. That's our  
25 preference.



## 1 Proceedings

2 So yeah, I think these were the three  
3 locations we discussed. And I hope that they  
4 support the mitigation that we proposed in  
5 the EAF Part Three. A lot of the focus of  
6 the discussion at the TAC meeting was about  
7 providing updated simulation pictures. And  
8 I, you know, this is the first that Max is  
9 seeing them. Obviously, we'll give him as  
10 much time as he needs to review them. But I,  
11 you know, I hope we've met all of his  
12 technical specifications.

13 CHAIRMAN GUBITOSA: Just a question. If  
14 you go back to the very first, the --

15 MR. DeGENNARO: This is the first one I  
16 showed you. This is the one with the  
17 outparcel. You want the one off Ba Mar  
18 Drive?

19 CHAIRMAN GUBITOSA: No, yeah, that's  
20 right, the first one. And then the bottom is  
21 the -- now, on the bottom you have the new  
22 trees in the front. But all the trees in the  
23 back, they're not going to be there, are  
24 they?

25 MR. SHERMAN: Yes. Those are on the

## 1 Proceedings

2 railroad embankment and beyond.

3 CHAIRMAN GUBITOSA: Are those -- those  
4 trees are up on the railroad?

5 MR. SHERMAN: Yeah.

6 CHAIRMAN GUBITOSA: Okay.

7 MR. SHERMAN: That's part of the, that's  
8 part of the rendering. It won't be modified.  
9 That's why with the railroad slope, all that  
10 woods will stay.

11 CHAIRMAN GUBITOSA: Oh, that's up on  
12 the -- okay.

13 BOARD MEMBER KRAESE: So basically,  
14 because we were just there, basically you're  
15 not touching the railroad trees. But  
16 everything else is basically taken out.

17 MR. DeGENNARO: Correct.

18 MR. SHERMAN: With the exception of some  
19 of the trees that are around the perimeter,  
20 where there won't be grading.

21 BOARD MEMBER KRAESE: I understand.

22 MR. SHERMAN: And the site plan shows  
23 which those are. They're nice big ones,  
24 planted new.

25 BOARD MEMBER KRAESE: It seems like I'm

## 1 Proceedings

2 into seawalls here lately. That's in pretty  
3 bad shape. Is the DEC reviewing that at all?  
4 Are they getting involved with it?

5 MR. DeGENNARO: Right now, we're just  
6 before the DEC for the freshwater, or for the  
7 tidally influenced freshwater wetland permit.

8 BOARD MEMBER KRAESE: But that would  
9 affect it.

10 MR. DeGENNARO: It would, but --

11 BOARD MEMBER KRAESE: That's part of a  
12 stream, correct?

13 MR. DeGENNARO: It's below mean high  
14 water, so it would be under the jurisdiction  
15 of the Army Corps and the DEC, if we were.  
16 So that's a little bit -- well, it's a  
17 different permit. But it would be repair of  
18 an existing structure. So it's a little bit  
19 easier in term -- it might even been a H and  
20 Y permit for the Army Corps, which is a  
21 default permit. And for the DEC, in my  
22 experience in getting other permits with them  
23 for these types of items, if you don't  
24 encroach further into the mean high water,  
25 and you kind of pull it back a little bit,

## 1 Proceedings

2 it's a lot easier to get the permit.

3 And we're not looking to do, you know,  
4 big concrete seawalls and other items that  
5 would trigger a more substantial technical  
6 review by the DEC. If we do replace them --  
7 and I'm not committed to that, at this point  
8 it's crossed my mind -- I would probably  
9 recommend more like the boulder type seawalls  
10 because we're really not that high, and it  
11 would be similar to what they have down by  
12 the condos along the Piermont pier, like a  
13 dry laid stacked boulder retaining wall that  
14 has a batter to it so it kind of angles back,  
15 too.

16 MR. SHEEHAN: So are you proposing to do  
17 anything with the seawall?

18 MR. DeGENNARO: I am not.

19 MR. SHEEHAN: Okay. Simple question.  
20 To me, that's where you were trying to go.

21 MR. DeGENNARO: It was.

22 BOARD MEMBER KRAESE: But we will be  
23 addressing that again.

24 MR. DeGENNARO: Yes.

25 CHAIRMAN GUBITOSA: Now the -- I know

## 1 Proceedings

2 you're -- the lots, the areas are going to be  
3 raised. The trailers are also going to be up  
4 higher, too? They're going to be raised on  
5 top of --

6 MR. DeGENNARO: Oh, yes.

7 CHAIRMAN GUBITOSA: What did you say, it  
8 was another --

9 MR. DeGENNARO: Well, it varies with the  
10 grade, because the grade varies. The  
11 finished floor elevations of the trailers  
12 have to be at least Elevation 12. So that's  
13 Elevation 12 with respect to a fixed datum  
14 somewhere else. That doesn't mean 12 feet  
15 off the ground. It means Elevation 12 and  
16 the ground is going to be elevated, it  
17 currently -- again, it varies. But it goes  
18 from generally about Elevation 4 to  
19 Elevation 7. And we're raising it to about  
20 Elevation -- we're trying to hit Elevation 9  
21 as much as we can.

22 CHAIRMAN GUBITOSA: And everything is on  
23 a concrete pad.

24 MR. DeGENNARO: The concrete pad, we're  
25 not -- we're going to discuss that with Bill

## 1 Proceedings

2 during building permit phase. Again, the  
3 client hasn't decided construction-wise. It  
4 doesn't make a difference with respect to the  
5 flood plain development permit if it's on  
6 concrete or not. But we did our bulk  
7 requirements. We counted that as development  
8 coverage. So if we don't put it in there,  
9 then we're, you know, we're still under it.  
10 As far as I'm concerned, it's development  
11 coverage because it has a building on top.  
12 It's not receiving any in capacity.

13 CHAIRMAN GUBITOSA: I got you.

14 MR. DeGENNARO: So that's that.

15 CHAIRMAN GUBITOSA: All right. Max, you  
16 have any?

17 MR. STACH: On the visuals that we  
18 received tonight, if you go to the second  
19 visual.

20 MR. DeGENNARO: I'm sorry, is that this  
21 one? This is the one with the outparcel.

22 MR. SHEEHAN: That was the first one.

23 MR. STACH: The main street.

24 MR. DeGENNARO: Okay.

25 MR. STACH: That one, yeah. On that

## 1 Proceedings

2 visual, you show the line of homes there  
3 having different facades facing the public  
4 street. Some of them have front porches on  
5 the front, some of them have single windows,  
6 some of them have picture windows. Is that  
7 typical to what the applicant is looking to  
8 build? Or is that -- because the plans that  
9 we reviewed had all the entrances on the  
10 side.

11 MR. DeGENNARO: Right.

12 MR. STACH: And I see other areas where  
13 the ends of the homes don't have any windows.  
14 It's just sheet siding. For example, if you  
15 look at your first slide, all the homes there  
16 have just siding facing the pond, the Cedar  
17 Pond Brook.

18 MR. DeGENNARO: From this perspective,  
19 it should be the rear of the homes. So from  
20 the other perspective, that would be the  
21 front.

22 MR. STACH: So we're looking at the  
23 rears which won't have windows, is that  
24 correct?

25 MR. DeGENNARO: Dan?

## 1 Proceedings

2 MR. SHERMAN: No. No, the models we got  
3 did not.

4 MR. STACH: Okay.

5 MR. SHERMAN: In the rear, because  
6 that's just the way the units are designed.

7 MR. BROWN: I'm Joel Brown with the  
8 ownership. The renderings -- the elevations  
9 that were used for these renderings were from  
10 the typical design. We've -- as it relates  
11 to front porches, our intention is to have  
12 some front porches. I do acknowledge the  
13 fact that there's some side entry on the  
14 plan. We may need to adjust that. But our  
15 intention was to have different elevations to  
16 have better relief in the presentation. As  
17 far as the rear of the homes, the homes  
18 typically do not have windows. If it's  
19 something that's objectionable, then we can  
20 consider putting the windows on the rear of  
21 the homes.

22 MR. STACH: Well, I think that's  
23 something that might help.

24 MR. BROWN: Sure.

25 MR. STACH: The way this project looks



## 1 Proceedings

2 is if you can propose it, and if the Board  
3 can require it as a condition that not every  
4 building look exactly the same. Some have  
5 porches, some have the single window, some  
6 have the picture window, or whatever you want  
7 to call it, bay window. And that the facades  
8 facing the road, the public road, meaning  
9 Grassy Point Road, all will have a window.  
10 That would do a lot, I think, to making this  
11 look attractive.

12 MR. SHEEHAN: The problem with that is  
13 the bedrooms are in the back of the units.

14 MR. STACH: Right.

15 MR. BROWN: So that would be the only  
16 issue, is that typically, those are the  
17 bedrooms. The bedrooms don't have windows on  
18 that side. I think that if it's -- we can  
19 consider an alternative. We can have shades  
20 or something installed.

21 MR. STACH: Or maybe you plant, maybe  
22 you plant. Can you plant up against the  
23 buildings or is that really a no-no?

24 MR. BROWN: We'd prefer not to because  
25 the growth. It's heavy maintenance in terms

## 1 Proceedings

2 of growings. And also, there's some roots  
3 issues that we've had in the past. But I  
4 think I don't want to complicate things. I'm  
5 only looking to improve things. I don't  
6 think that that's --

7 MR. STACH: Maybe even if it's just not  
8 every building shows a blank facade.

9 MR. BROWN: We're, as you know, we're  
10 going to be ordering other homes. So we can  
11 kind of control that. So we can certainly  
12 review that. And I acknowledge that that's  
13 something you would want to see.

14 CHAIRMAN GUBITOSA: Bill, do you have  
15 any questions on this one?

16 MR. SHEEHAN: No. As far as the  
17 renderings, no. Again, the only spot is  
18 pretty much this shot, as Max pointed out,  
19 because that's the only area that the rear of  
20 the homes will be facing Grassy Point Road.  
21 Unless there's closets on that back wall, you  
22 could do, definitely you could do windows.  
23 Single windows, though. You couldn't -- I  
24 wouldn't put a bay window in any bedroom. I  
25 don't know where the closets are in those

## 1 Proceedings

2 rooms.

3 MR. EMANNUEL: We could take a look  
4 at --

5 MR. SHEEHAN: You know what I'm saying?  
6 Even if you put a, you know, a double hung  
7 window or something to that effect.

8 MR. EMANNUEL: There are ways that we  
9 can deal with the facade that don't  
10 necessarily --

11 MR. SHEEHAN: No, no, I don't have an  
12 issue with it.

13 MR. DeGENNARO: It would be the other  
14 side.

15 CHAIRMAN GUBITOSA: John, any?

16 MR. O'ROURKE: On the renderings, no.  
17 At the last meeting, we did get some  
18 information about EAF and the SWPPP. We've  
19 done an initial review of that. The  
20 outstanding issue, honestly, is the DEC and,  
21 the overhead power lines, and what they can  
22 do and what they can't do underneath the  
23 transmission line. So we'll hold off on the  
24 full review until that gets resolved because  
25 that could affect the layout of the property.

1 Proceedings

2 But generally, on the renderings, we have no  
3 comments at this time.

4 MR. EMANNUEL: We're in active  
5 conversation with DEC and O and R with  
6 respect to that. That's, that's ongoing.

7 MR. O'ROURKE: Yeah, no, I understand  
8 that.

9 MR. EMANNUEL: Well, for the Board's  
10 information.

11 CHAIRMAN GUBITOSA: All right. Steve,  
12 any? All right.

13 MR. EMANNUEL: Mr. Chairman, one other  
14 thing that we wanted to address that we  
15 brought up tonight. Mr. Brown will address  
16 that.

17 MR. BROWN: I think there was some  
18 concern at TAC and maybe with the Board about  
19 the existing residents and how we were, how  
20 some of the residents are going to remain. I  
21 just wanted to give an update on that, if I  
22 could.

23 There are a maximum of about 20  
24 residents that do not plan at this time to  
25 move. So those residents do not have any

## 1 Proceedings

2 plans to move. We have met with each of  
3 those residents through our on-site staff.  
4 We made sure that they're aware of our plans  
5 for the redevelopment through our on-site  
6 staff. We have begun gathering information  
7 from those residents about their housing  
8 needs, and maybe a little bit more detail on  
9 their plans.

10 It's my understanding that most, if not  
11 all of those residents, the reason that  
12 they're not moving, one of the reasons  
13 they're not moving is because they were not,  
14 did not take advantage of the New York Rising  
15 funding reimbursement plan. However, a  
16 majority of the residents, of those residents  
17 that I'm speaking of, have expressed an  
18 interest in staying and acquiring a new home  
19 through us when that becomes available.

20 There are a few that plan on staying  
21 that indicated that -- they did not expressly  
22 state that they are interested in acquiring a  
23 home. We will have further discussions with  
24 them. And we are also working on alternative  
25 plans with them.

## 1 Proceedings

2 And possibly, if possible, including  
3 reopening New York Rising as an opportunity  
4 for housing reimbursement. I'm not certain  
5 if that still is possible, but it's something  
6 we'd like to explore with them. And we also  
7 intend to keep lines of communication open  
8 with them through our on-site staff or any  
9 other means.

10 VICE CHAIRMAN MULLER: Can I just ask  
11 that you do everything in your power to work  
12 with these people to find a good answer for  
13 them? It sounds like you are, but just, I  
14 would like that on the record that we're  
15 asking you to do whatever you can to make  
16 these 20 residents, you know, made whole, or  
17 do whatever you can to get them a new home,  
18 or -- I don't know what the final outcome  
19 will be, but do whatever you can, please.  
20 That would be important for those people that  
21 want to stay, maybe don't have an option.

22 A lot of times, people in those mobile  
23 homes are a little strapped. I lived there  
24 for many years before we bought our first  
25 home. So I'd hate to see somebody forced out

## 1 Proceedings

2 or in a real bad position. So I'm just  
3 asking that you do what you can to help  
4 anybody who is in need down there to the best  
5 of your ability.

6 MR. BROWN: That's our intention. Our  
7 intention is to make sure that we can  
8 accommodate everyone within our power to do  
9 so. And I'd also like to just recognize the  
10 fact that we have been through this process  
11 for a very long time. As owners, we've hung  
12 in there to try to find a solution that's  
13 mutually beneficial. I've been -- I'm from  
14 out of state. We have on-site staff here.  
15 I've been here twice a month now for the past  
16 year working with not only yourselves, but  
17 working with the residents and trying to work  
18 something out. So it's our intention to make  
19 sure there's a mutually beneficial win-win  
20 situation for everyone.

21 VICE CHAIRMAN MULLER: Thank you.

22 CHAIRMAN GUBITOSA: All right.

23 Mr. Emmanuel?

24 MR. EMANNUEL: We have nothing further  
25 other than a request that the Board set a

## 1 Proceedings

2 public hearing for the June meeting.

3 CHAIRMAN GUBITOSA: All right.

4 VICE CHAIRMAN MULLER: I'll make that  
5 motion.

6 BOARD MEMBER JOACHIM: I'll second.

7 CHAIRMAN GUBITOSA: Second. I got a  
8 motion and a second. All in favor?

9 (Response of aye was given.)

10 CHAIRMAN GUBITOSA: All right, so we'll  
11 set the public hearing for June 27th. Same  
12 time, seven. And just if I can make a quick  
13 suggestion is for the public hearing, if you  
14 could have maps in the back, like just  
15 renderings placed in the map, you know, big  
16 enough so people can see.

17 MR. EMANNUEL: Sure.

18 CHAIRMAN GUBITOSA: And then also with  
19 the, with the different homes, how they're  
20 going to be off the ground. So that we  
21 don't -- we saw one rendition with the  
22 typical steps, so that at least they could  
23 see, you know, what it's going to look like  
24 from the area, and then just the layout.  
25 Like the map that you showed us when we were



## 1 Proceedings

2 there when we walked around so they get an  
3 idea. So everyone, you know, we have a nice  
4 area in the back so when they see things  
5 before they have public input.

6 MR. EMANNUEL: Okay.

7 MR. DeGENNARO: Absolutely. Great.

8 CHAIRMAN GUBITOSA: All right, so we'll  
9 see you next month.

10 MR. EMANNUEL: Wonderful. Thank you.

11 CHAIRMAN GUBITOSA: Thanks.

12 (Time noted: 8:19)

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and correct transcription of the original  
stenographic minutes to the best of my ability.

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Jennifer L. Johnson