

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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5 ARCHMONT KNOLLS PHASE 5  
6 REVIEW AND ACTION ON FINAL PLAN  
7 \*\*\*\*\*

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9 THE TAPED AND TRANSCRIBED MINUTES of the above  
10 entitled proceeding BY NANCY STRANG-VANDEBOGART  
11 commencing on October 12, 2010 at 7:06 p.m. at  
12 the Public Operations Center 347 Old Niskayuna  
13 Road, Latham, New York 12110

14 BOARD MEMBERS:

- 15 CHARLES J. O'ROURKE, CHAIRMAN
- 16 PETER GANNON
- 17 MICHAEL SULLIVAN
- 18 LOUIS MION
- 19 TIMOTHY LANE
- 20 TOM NARDACCI
- 21 PAUL ROSANO
- 22 ELENA VAIDA, Esq., Attorney for the Planning  
23 Board

24 Also present:

- 25 Joe LaCivita, Director, Planning and Economic  
Development
- Brad Clark, Barton & Loguidice
- Victor Caponera, Esq.
- Melissa Courier, C.T. Male
- Paul Scampini

26

1                   CHAIRMAN O'ROURKE: First on the  
2 agenda this evening, we have Archmont  
3 Knolls Phase 5, Champagne Court and  
4 Fort Vaux Lane. This is a 32-lot  
5 residential subdivision review and action  
6 on final plan. C.T. Male will be speaking  
7 for the applicant.

8                   MR. CAPONERA: Chairman, and esteemed  
9 members of the Board, many of you know  
10 that I'm Victor Caponera. As the Board  
11 knows, back in July there were questions  
12 raised about storm water. The Board asked  
13 Barton and Loguidice to review it, and  
14 they have. There has been a lot of work in  
15 that area. You'll hear from Brad Grant  
16 that those issues have been resolved. A  
17 storm water retrofit project will be  
18 installed and we're looking at this final  
19 plan for Archmont Phase 5, which as most  
20 of you know, is a 32 lot residential  
21 single family subdivision which is the  
22 last phase of the Archmont development.  
23 Most of you know that it borders Swatling  
24 Road and Haswell Road.

25                   These lots are of fairly significant

1 size. A lot of them are huge lots over  
2 100,000 square feet. The lots, as you look  
3 at them, have real significant  
4 conservation easements on them. In the  
5 covenants that run with the land, this  
6 language is relative to the inability of  
7 people to construct anything or build  
8 anything. This is all in these covenants  
9 that run with the land.

10 In various discussions that I've had  
11 with the Town Designated Engineer and our  
12 engineers, since we have concept approval  
13 on this project in 2002, the road here is  
14 proposed to be 36 feet wide. The Town, I  
15 believe, in 2007 changed its roadways  
16 within residential subdivisions to 32 feet  
17 wide. This proposal is a 36 foot wide.

18 Also, when we were here approximately  
19 a year ago, the Board asked Brad to locate  
20 the storm water on this particular phase;  
21 and he has. Since 2007 - and Brad you can  
22 correct me if I'm wrong on this - I  
23 believe that there has been some changes  
24 in the standards in terms of storm water  
25 in terms of what we have to now attenuate

1           for in a significant storm. Of course,  
2           Brad has looked at that and he has  
3           discussed this in detail with C.T. Male. I  
4           spoke specifically with the gentleman that  
5           works for C.T. Male who does their  
6           hydrolic or storm water. They've been  
7           working hand in hand with this.

8                        So, other than that, I've reviewed  
9           all the documents that Joe sent me from  
10          all the other departments that looked at  
11          this. All the other departments in the  
12          Town are satisfied with the project and  
13          they have no problems with the final site  
14          plan approval. However, the Board has to  
15          consider the 36 versus 32 foot width, as  
16          well as the changes to attenuate the new  
17          requirements on the storm water drainage  
18          that Brad will speak more on. Potentially  
19          that's it. We've already been through this  
20          before and I don't want to waste too much  
21          of your time.

22                       CHAIRMAN O'ROURKE: Brad, could you  
23          explain to both the Board and the public  
24          the retrofit on page three that occurred  
25          between the Town, C.T. Male and the

1 developer and explain to the folks how  
2 we're fixing that situation?

3 MR. GRANT: Absolutely. Potentially,  
4 the current phase in the Archmont project  
5 had issues with flooding in back yards. We  
6 analyzed the storm water management report  
7 for the first three phases of that project  
8 and essentially determined that there was  
9 hydrolic capacity for getting the storm  
10 water to the detention basin. There is a  
11 large detention basin just east of the  
12 Phase 3 development. Unfortunately, not  
13 all of that was getting there as it should  
14 and creating some short-term ponding  
15 situations that were of some significant  
16 concern in some back yards. There was a  
17 lot of photos taken and obviously some of  
18 the larger storms last year in July that  
19 was probably the 100 year storm where you  
20 might expect some short-term flooding in  
21 areas of the Town. Even less storms are  
22 creating some issues. We created a model  
23 and worked hand in hand with C.T. Male and  
24 did some field investigations.

25 We looked over some record plans and

1 the subsequent remedy for this was to put  
2 in some parallel drainage capacity with  
3 new drainage parts to supplement what's  
4 already there now and trying to keep the  
5 hydrolic down below in the pipes where  
6 everybody expects it to be and not  
7 creating some surcharge conditions in  
8 yards that would be a danger to people and  
9 to properties. The flooding was short  
10 term. The Town has accepted and has done  
11 some repair work to the drainage system.  
12 It really needed a larger capacity pump.  
13 That's what was the result from our  
14 modeling and efforts to do that.

15 C.T. Male has since taken the model  
16 and has performed field surveying to  
17 document existing conditions and  
18 elevations and easements and made the  
19 model a reality in a plan that we have  
20 looked at. The conceptual plan has a few  
21 comments and details that have been put  
22 on. I think that we're virtually there,  
23 other than coming up with what we're going  
24 to do at the end of the pipes inside the  
25 basin. The grades inside the basins are

1           amendable to the peak flow. The Town has  
2           basically been very cooperative of the  
3           exchange of information and efforts to  
4           mitigate this flooding issue. The Town has  
5           furnished the pipe. C.T. Male has created  
6           the design on the field survey. I would  
7           anticipate that could happen soon, I  
8           believe. The pipe might even be on-site.  
9           When I was up there yesterday, I saw a  
10          load of pipe. That might be something  
11          entirely different. I don't know.

12                   CHAIRMAN O'ROURKE: At this point,  
13                   anyone with questions in regard to this  
14                   portion of the Phase 3 retrofit - if you  
15                   have questions specific to that Phase 3  
16                   retrofit, I would ask anybody in the  
17                   audience to raise their hand and speak  
18                   now.

19                   MR. SCAMPINI: My name is Paul  
20                   Scampini and I'm the owner of the property  
21                   at 5 Cambrai Drive. Just to be clear, it's  
22                   my understanding that the pipe will run  
23                   from the storage drain in the corner of my  
24                   back yard continuously all the way  
25                   through, and there will not be any

1 drop-off.

2 MR. GRANT: Correct. There will be a  
3 new catch basin next to the existing one  
4 within that easement and there will be  
5 plenty of inlet capacity there. We're  
6 increasing the size of the one that comes  
7 in the back of your yard to an 18-inch  
8 pipe to that backyard drainage, and then a  
9 new 36 down into the basin.

10 That should be a larger pipe coming  
11 into -- coming into Cambrai?

12 MR. GRANT: No. There is still the  
13 existing pipe. In analyzing this, a lot of  
14 it had to do with a backwater effect from  
15 the road coming back to the property. By  
16 lowering the hydrologic grade, there is  
17 going to be a lot of water rushing through  
18 at some point. There is no doubt about  
19 that. It needs to be least the 10-year  
20 storm and then quite a bit more.

21 MR. SCAMPINI: And with the grade,  
22 the water will run all through there?

23 MR. GRANT: Yes, but ultimately a big  
24 part of the remedy is a 36-inch pipe  
25 supplementing drainage to get it away from



1 Cambrai and into the catch basin.

2 There was a question: We have a lot  
3 of rain, but it doesn't seem to be a lot  
4 of water in the detention basin. We're  
5 going to get you out of the detention  
6 basin business and put it with the Town,  
7 where it belongs.

8 MR. SCAMPINI: On behalf of all of  
9 the residents in my neighborhood, I want  
10 to thank everybody for the work they've  
11 done.

12 CHAIRMAN O'ROURKE: No problem.

13 Anybody else have comments or  
14 questions on the retrofit issue on  
15 Phase 3?

16 ***(There was no response.)***

17 CHAIRMAN O'ROURKE: Then we go to the  
18 Phase 5 application, which is certainly a  
19 separate entity. When the applicant was  
20 last before us, we asked that the Town  
21 Designated Engineer to look at anything  
22 that would be dedicated to the Town after  
23 development.

24 So, Brad, if you would, why don't you  
25 talk about some of the infrastructure

1 issues that we have come across and where  
2 we need to go from here?

3 MR. GRANT: Victor, I think that you  
4 had your facts pretty defined. The only  
5 difference was that the higher rainfall  
6 amounts and the narrow road section. I  
7 believe that was for 2008, and not 2007.  
8 The design plans really go back to  
9 2007 - their origins and original plans  
10 probably started in 2002. So, some things  
11 have changed. Specifically, as C.J.  
12 mentioned, the Town standard road section  
13 had diminished from 36 to 32 for this type  
14 of development. Storm water is one of the  
15 reasons for that. The goal, and as we  
16 understand storm water more and try to  
17 manage it better, is to limit how much  
18 impervious area we have out there with  
19 respect to water. This is one nod towards  
20 the new development as they are going to  
21 the 32-foot wide road.

22 We're in the middle of other phases  
23 and I would recommend that there wouldn't  
24 be a reduction in the pavement. It would  
25 be an awkward thing to be going along the

1 road and have a 36-foot wide road and  
2 transition to a narrower cross section and  
3 then go back to the 36. As the map shows,  
4 there is essentially two stub streets;  
5 Champagne Court and Fort Vaux Lane. I will  
6 ask someone the history of that before the  
7 night's over. There is some savings in the  
8 asphalt. There is also less storm water  
9 run-off generated by less asphalt and  
10 that's more amendable to treat the storm  
11 water before it's released.

12 At the top of the page there is a  
13 storm water basin and that's Lot 6 next to  
14 the drainage that discharges into the main  
15 of the creek that flows down into the dry  
16 river dam in Watervliet. That's the  
17 regional water control for this whole  
18 water shed.

19 In going through the design elements,  
20 the other major thing that has changed  
21 since 2008 is the run-off value for the  
22 various storms to design storm water  
23 management systems. Currently the 10-year  
24 storm is a four and a half inch rainfall  
25 over 24 hours and the 100-year storm is

1           6.2 inches, which does exceed what the  
2           2007 storm water management design was.  
3           The goal is that there is proper treatment  
4           for the water quality, and in particular  
5           the water quantity in the basins, and that  
6           they meet the DEC design standards and  
7           they effectively control and manage the  
8           storm water within those requirements.

9           There is a review of some of the  
10          opportunities in two parts. The first one  
11          is the actual subdivision it. Basically,  
12          the first thing that I looked at was there  
13          was a side yard drainage at the cost of a  
14          few lots. The concern was that you have  
15          some road drainage going through lots and  
16          it could be detrimental to Archmont 3. The  
17          answer is that it's a different animal. We  
18          aren't taking two full phases through  
19          people's back yards. It's a modest amount  
20          of drainage on the upper part of Champagne  
21          Court. Its 15 inch and 18 inch versus  
22          30-inch pipes. There is a significant  
23          difference there.

24          We looked at the numbers and there  
25          are some housekeeping items on the plan

1           that have some suggestions on the final.  
2           The storm sewer - keeping the same size  
3           pipe, eliminating the surcharge condition,  
4           and trying to keep it underground where it  
5           belongs. Also, put some under drainage  
6           with two catch basins in the back there.

7                     Archmont 3 is a funny site, but it  
8           has it's areas and any opportunity I see  
9           to put a 10-foot under drain to help  
10          control groundwater is a good thing. There  
11          are a few opportunities to do that.

12                    I'm confident about the drainage  
13          easement. One of the alternatives was to  
14          not have that easement, and then treat it  
15          all the way down Fort Vaux Lane. You'd  
16          still need backyard drainage there anyway  
17          in those lots. Where those two drainage  
18          pipes are joined, there are some areas  
19          where I'd like to increase the hydrolic  
20          capacity in the sump basins.

21                    Pipe sizing on the lower part of Fort  
22          Vaux -- before we go into the storm water  
23          basins, we'd need a re-evaluation of the  
24          pipe sizes and keep the water in the  
25          system. For a 10 or 25-year storm, we like

1 to keep those down below the ground. With  
2 a 100-year storm we know that everyone  
3 suffers with those.

4 There was again, some housecleaning  
5 items on the plan, but the biggest thing  
6 was for the pavement width and the storm  
7 water management.

8 In looking through the plans, I had  
9 some comments. One of the things that this  
10 has going for it was the storm water basin  
11 discharges into a fairly deep drainage  
12 area and shortly thereafter it connects  
13 into a stream channel. The point of  
14 discharge is basically rock and is  
15 basically shale. I just want to make sure  
16 that all of our collections and capacities  
17 are up to snuff.

18 CHAIRMAN O'ROURKE: How long would it  
19 take after -- it's my understanding,  
20 Mr. Caponera, that your client does want  
21 to redesign?

22 MR. CAPONERA: We would prefer,  
23 obviously, to add that in this plan. But  
24 we understand the comments in terms of  
25 what you're looking for.

1                   CHAIRMAN O'ROURKE: Right, but you  
2 would be looking for waivers.

3                   MR. CAPONERA: Exactly.

4                   CHAIRMAN O'ROURKE: And honestly, for  
5 the storm water, it would make sense in  
6 terms of my understanding - certainly I  
7 think that the Town Designated Engineer is  
8 kind of looking to advise the Board that  
9 it needs to be redesigned.

10                  MR. CAPONERA: Again, we can ask the  
11 Board for the waivers, but my sense is  
12 that you probably would want to be  
13 listening to what the TDE is saying.

14                  CHAIRMAN O'ROURKE: So honestly, to  
15 handle this in the most expeditious  
16 fashion, which I'm sure the applicant  
17 would want us to do, I think that what we  
18 need to do is after the Board were to ask  
19 their specific questions, is to narrow it  
20 down how much time we need to get this  
21 re-engineered and get it back before this  
22 Board for a vote. Does that seem fair?

23                  MR. CAPONERA: Yes, and I think my  
24 understanding is that it doesn't have to  
25 go through all the departments now. It

1 goes right to Brad.

2 CHAIRMAN O'ROURKE: That's correct.

3 MR. CAPONERA: Because in years past,  
4 that, unfortunately, has been a black hole  
5 and I think that you're aware of that.

6 CHAIRMAN O'ROURKE: That's correct.  
7 The only items that I had asked the Town  
8 Designated Engineer to look at were the  
9 infrastructure items. More specifically,  
10 the roads and the storm water that they  
11 Town would eventually own. So, in terms of  
12 those things, I do have some questions  
13 when it's my turn to go over with  
14 C.T. Male, but in terms of those two  
15 redesign items, I think that it would be  
16 prudent to get it done expeditiously for  
17 the applicant.

18 MR. CAPONERA: We'd like to get it  
19 approved as quickly as possible so that my  
20 client can work on his project.

21 CHAIRMAN O'ROURKE: Just to be on the  
22 record as well, does that hold up the  
23 Phase 3 retro at all?

24 MR. CAPONERA: So long as we have an  
25 understanding in terms of moving quickly



1 on this thing and getting back in. I'd  
2 like to get back in within a month to have  
3 the Board act on this and I know that a  
4 lot of it depends on C.T. Male's work.

5 CHAIRMAN O'ROURKE: Brad, is that  
6 reasonable? If they were to get you the  
7 re-engineering - you need a week?

8 MR. GRANT: Yes. I'm going to need a  
9 week to look at it. We could potentially  
10 be in front of the Planning Board a month  
11 from now.

12 We talked about this and I normally  
13 wouldn't advise this, but there are  
14 essentially two elements of work. One is  
15 the hydrology and the amount of rework of  
16 the design engineers with narrowing the  
17 road. I don't need to stand in anyone's  
18 way for that process.

19 CHAIRMAN O'ROURKE: No, that's not a  
20 big review for you. That's more on the  
21 engineering end.

22 Mr. Caponera, that's something that  
23 you'd have to ask your engineering firm if  
24 they'd be able to get that work to the TDE  
25 within a couple of weeks to get you back

1 in a month.

2 MS. COURIER: In regards to the  
3 hydrology, we can start that first.

4 CHAIRMAN O'ROURKE: Honestly, in the  
5 review of your road, it's two and a half  
6 hours. It's more that you have to cut on  
7 everything and that's every page.

8 MS. SCAMPINI: What can I expect to  
9 see with this retrofit?

10 CHAIRMAN O'ROURKE: We're going to  
11 get that answered. I'm waiting for my  
12 turn.

13 Tom?

14 MR. NARDACCI: I guess with regard to  
15 the issue of Phase 3, even though tonight  
16 we're talking about Phase 5 - I'm glad  
17 that everyone was able to come together.  
18 Clearly, the audience that was here -- and  
19 I reread the transcription in July of 2009  
20 and it was a pretty big crowd. Folks had a  
21 lot of concerns and clearly the Town  
22 listened, and the developer listened, and  
23 the engineers listened, and I was glad  
24 that everyone could come to hopefully a  
25 resolution on this.

1           I haven't been that thrilled about  
2           the time frame, though. I would be remiss  
3           if I didn't say this. In looking back to  
4           July of 2009, that night I said, how much  
5           time are we talking about? It's right here  
6           in the transcribed minutes. It says three  
7           weeks. I haven't been involved in the day  
8           to day here, but July of 2009 until today  
9           just seems pretty unrealistic and I'm not  
10          going to cast dispersions or point  
11          fingers. I just think that we should do a  
12          better job of moving things forward,  
13          overall. That's for everyone; for the  
14          residents as well as for the developers.  
15          This is someone who is missing building  
16          seasons.

17                 With regard to Phase 5, itself, as I  
18                 said in 2009, tonight I'm very pleased  
19                 with this development. I think that the  
20                 changes make a lot of sense. The roadways  
21                 make it consistent. Like Brad said, if it  
22                 was in the middle of a development, it  
23                 wouldn't make sense. This clearly makes  
24                 sense and to have him have a chance to go  
25                 over the hydrology makes sense for a

1 delay. Hopefully we can get right back in  
2 though. We have done it with other  
3 projects and I think that we're starting  
4 to get this where if we have changes,  
5 let's not hold people up for a year or so.

6 Overall, I think that the Town needs  
7 it. I think that it's a good project. I  
8 think that the homes make sense. I think  
9 that the other phases are beautiful homes  
10 and have sold well, and I think that these  
11 will sell well too.

12 No questions. Just a few comments.

13 CHAIRMAN O'ROURKE: Paul?

14 MR. ROSANO: I have nothing, thank  
15 you.

16 CHAIRMAN O'ROURKE: Lou?

17 MR. MION: Nothing, thank you.

18 CHAIRMAN O'ROURKE: Tim?

19 MR. LANE: It makes perfect sense to  
20 reduce the asphalt. That certainly seems  
21 like a logical thing. Having less  
22 impervious area and the way that affects  
23 the storm water all works together.

24 CHAIRMAN O'ROURKE: Mike?

25 MR. SULLIVAN: I, too, would like to

1 see a review of the final.

2 That's all I had. Thank you.

3 CHAIRMAN O'ROURKE: Thanks, Mike.

4 Peter?

5 MR. GANNON: Brad, you were kind of  
6 nonchalant about the fact of what needs to  
7 be done at the end of the pipe. I think  
8 that's something that's a pretty important  
9 part of the system.

10 MR. GRANT: There will be a lot of  
11 storm water going down those pipes, in  
12 addition to the pipe that's an existing  
13 structure inside the fence around the  
14 detention facility. Instead of cutting a  
15 hole in the side of it, it will let more  
16 water out instead of backing up and  
17 surcharging into people's yards. The  
18 release of that storm water is energy. To  
19 avoid erosion within the detention basin  
20 and maintenance issues, it needs to be  
21 dissipated.

22 MR. GANNON: Is that something that  
23 we can count on what you feel the solution  
24 is?

25 MR. GRANT: That's ongoing. I've

1 e-mailed Jim with some suggestions as to  
2 what that could be. We recognize the need  
3 for energy dissipation and one of the  
4 typical arrangements is riffraff armoring.  
5 At one time I was looking at older maps  
6 that seem to have more slopes in the  
7 basin, but the grades are fairly flat and  
8 if you can get that energy reduced, it  
9 would run off within the basin.

10 MR. GANNON: My point is that in my  
11 former life when I was at Town Hall, I had  
12 discussions with Mr. Scampini and I don't  
13 want to see anybody have to deal with that  
14 again.

15 MR. GRANT: I'd like to thank C.T.  
16 Male for a very cooperative effort and the  
17 modeling and looking at it in the field  
18 and helping to make it successful. This  
19 will be a successful solution.

20 CHAIRMAN O'ROURKE: I have just a  
21 couple of things.

22 Mr. Plant is no longer on this,  
23 right?

24 MR. COURIER: He's one of our  
25 environmental people -

1                   CHAIRMAN O'ROURKE: Just to bring  
2 this up to speed - This is one of the  
3 Department of Environmental Conservation  
4 letters dated June 8, 2009.

5                   "Our data base is continually growing  
6 as records are added and updating this  
7 proposed project is still under  
8 development. We recommend that you contact  
9 us again, then we may update a response."

10                   If you could just do that with the  
11 final submission to update this?

12                   The lots with additional slope  
13 stabilization - can you point those out to  
14 me, Melissa?

15                   MS. COURIER: Lots 18, 21 and 23.  
16 There is actually a square on those. We  
17 are required to come back for those three  
18 lots.

19                   CHAIRMAN O'ROURKE: What I would  
20 suggest and again, I think that it's  
21 important that anyone that would build  
22 those lots - that it be in the deed in  
23 terms of the slope stability so that they  
24 understand that they're not bringing in  
25 fill to put swimming pools in and those

1 types of things. I would ask that  
2 certainly those lots in question are noted  
3 as such in the deeds.

4 MS. COURIER: There is a conservation  
5 easement, and these lots will have  
6 covenants that go along with these lots.  
7 That would definitely be there.

8 CHAIRMAN O'ROURKE: Those were the  
9 only issues that I had.

10 I think that the Board is not in a  
11 position to act tonight. We are going to  
12 open this to the public in just a minute.

13 Joe, what's the date?

14 MR. LACIVITA: We try to hold it to  
15 at least a month - November 16<sup>th</sup>.

16 CHAIRMAN O'ROURKE: Would that work  
17 for you, Mr. Caponera?

18 MR. CAPONERA: It would work for me.  
19 The work would have to be done by C.T.  
20 Male.

21 CHAIRMAN O'ROURKE: They could be  
22 held to task.

23 Back to my original question,  
24 Mr. Caponera; this will in no way effect  
25 the Phase 3 implementation?



1 MR. CAPONERA: One really doesn't  
2 have anything to do with the other, as you  
3 already know. My client wants to get the  
4 equipment there and be ready to go.

5 The other thing is that this time of  
6 year, in terms of putting these machines  
7 on property - Mr. Scampini will be the  
8 most affected by it.

9 CHAIRMAN O'ROURKE: Anyone in the  
10 audience have any questions or comments on  
11 this project.

12 I'm looking for a motion to adjourn  
13 this public hearing to the November 16<sup>th</sup>.

14 Do I have a motion?

15 MR. MION: I make a motion that we  
16 adjourn it to November 16<sup>th</sup>.

17 MR. NARDACCI: Second.

18 CHAIRMAN O'ROURKE: All those in  
19 favor?

20 **(Ayes were recited.)**

21 CHAIRMAN O'ROURKE: Opposed?

22 **(There were none opposed.)**

23 CHAIRMAN O'ROURKE: We will see you  
24 November 16<sup>th</sup>.

25 Brad, please stay in contact via

1 e-mail and at least two weeks from now let  
2 me know where we stand on this.

3 Joe, what about public notice?

4 MR. LACIVITA: We'll send letters  
5 around.

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7 ***(Whereas the proceeding concerning the***  
8 ***above entitled matter was adjourned at***  
9 ***7:40 p.m.)***

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**CERTIFICATION**

*I, NANCY STRANG-VANDEBOGART, Notary  
Public in and for the State of New York,  
hereby CERTIFY that the record taped and  
transcribed by me at the time and place  
noted in the heading hereof is a true and  
accurate transcript of same, to the best  
of my ability and belief.*

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**NANCY STRANG-VANDEBOGART**

**Dated November 5, 2010**