

ZONING BOARD OF APPEALS

April 4, 2011

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, April 4, 2011, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Vincent Cestone, Chairman, at 7:30 p.m.

PRESENT:	Vincent Cestone	-	Chairman
	Lenny Lim	-	Member
	Bill Flaherty	-	Member
	Robert Dee	-	Member
	Paula Clair	-	Member
	Adam Rodd	-	Counsel

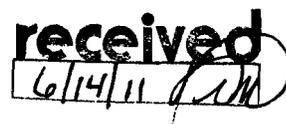
ABSENT:

Vincent Cestone - We are going to take them out of order on the agenda. We are going to take Tim Beachuck first.

Steve Chester - Hello my name is Steve Chester. Tim couldn't make it tonight but we both work for Signs Inc. which is the applicant for the sign. We have one of the owners here tonight, Andrew Pidala. In this plaza which before this hasn't really hasn't been named. This sign kind of names it Philipstown Center, which kind of helps especially if you do some advertising, it is nice to have a name for a Plaza. And it names all the tenants in there which if you are driving past, going by, you really don't have any idea who is in there. And it seems that the Code only allows a 4 foot high signage in that zone. And this one will be a total of 9 feet with 3 feet of space between the bottom and the top of the sign which is, you saw what happened this winter I mean 3 foot of snow happens. It would probably would have hidden the bottom one. So you kind of need some space if you are going to put a sign on the front because they plow and everything like this so you can actually see the sign in the winter. And that's why we are asking for this size with the height. It means all the tenants like I said it will do them a world of good in this economy you know, they are all kind of hurting and they could use as much notice as possible and have the public be aware of what is in that plaza and why it is a good idea to stop in.

Vincent Cestone - Any questions from the board

Lenny Lim - Yeah. I just have one question. Is the final location to be determined by the owner? We need to know exactly where it is going to be.



Steve Chester - It's on the map

Lenny Lim - Oh okay. I just want to know exactly where it is going to be. We were concerned with the line of sight coming out.

Steve Chester - I think it is far enough. I think it has 10 feet. Because when you pull out, if you look at the drive way here, we are 10 feet from here. This is further out here. Do you need to see this?

Lenny Lim - No I've got it. Actually it looks like a little bit more than 10 feet.

Vincent Cestone - And it is not in the setback of Route 9, is that correct?

Steve Chester - No no it's not.

(cannot hear conversation)

Vincent Cestone - And that is how many feet?

Steve Chester - From the center line? Let me see if I have that written down. It is 10 feet from the property line

Bill Flaherty - What is it from the center line of Route 9?

Adam Rodd - Well just to clarify the Section of the Code at issue _____ requirement of 10 feet from the street line. So they don't talk in terms of center line on the sign aspect of the zoning ordinances. Distance from the street line because it has to be as I read it is at least 10 feet, which I think they have based on the outline.

Bill Flaherty - The problem is what is it from the center line?

(cannot hear conversation)

Adam Rodd - Just to clarify, is the square footage 45 feet for the sign

Steve Chester - No. 24. On each side.

Adam Rodd - It is a 2-sided sign

Steve Chester - Yes

Adam Rodd - Okay so

Steve Chester - It is 4 by 6

Adam Rodd - So the total square footage if you are measuring both spaces is 48

Steve Chester - If that's how you count it

Adam Rodd - Okay

Steve Chester - A lot of towns only count one side

Bill Flaherty - When I visited the site today and we looked down at the Philipstown Square where they have a rather large sign in front of their property and we granted them a side variance I think about two years ago from the center line of Route 9. After I got back, I researched that and we thought, well Vinny and I thought that they had a site variance, a height variance. However, that was not the case in that particular instance. The height of that sign is about 12 feet. We measured it. So anyway I think that sign at Philipstown Square is non-conforming with our Code. And I would like the Building Inspector to check that out for us and determine if whether or not it is. And if it isn't we are going to have to grant a zoning

Vincent Cestone - Why don't you contact the Building Department

(conversation not audible)

Bill Flaherty - I pulled the old file out and checked it out and it was not one of the variances. Nor did they supply us with a detailed drawing of the sign itself.

Vincent Cestone - Any comments from the audience on this? I make a motion to close the public hearing. Do I have a second?

Bill Flaherty - I'll second

Vincent Cestone - All those in favor

All Board Members - Aye

Adam Rodd - Just, I don't want to be a naysayer but I don't see a 239 referral on this one. So I think we can certainly put it on and we will have plenty of time if we put this on in May. That will be 30 days, it will be done and we can proceed then.

Vincent Cestone - When you were at the Planning Board, did they do a 239 referral?

Adam Rodd - They weren't at the Planning Board

Steve Chester - The building inspector wrote a letter or something and referred

us here

Adam Rodd - Yep

Steve Chester - Is there something else we have to do besides that

Adam Rodd - Well technically the County needs to be notified whenever you are seeking a variance for a structure that is within 500 feet of a State or County Road. And it is for your protection. It is not something we just thought of to have you do this, because if it is not done, no matter how the board comes out if someone objected to whatever the decision is _____. It should be done. So we can put this on for the first meeting in May.

Vincent Cestone - Our next meeting is May 9th the second Monday.

Adam Rodd - Let's double check

Steve Chester – Who does the 239? Do I have to do it?

Kim Shewmaker - I will do it. And it is the second Monday in May.

Adam Rodd - Okay

Vincent Cestone - We will see you May 9th

Steve Chester - Okay. Thanks.

Vincent Cestone - Next item on the agenda is the continuation of a public hearing for Dean Anderson and Joseph Libonati.

Debbie Landes - Good evening. My name is Debbie Landes and I am here with Mr. Anderson. We are here for a continuation of the application that Mr. Anderson filed for the variances that he would need for a subdivision of his property at 4 Dale Lane. Tonight our presentation will be considerably shorter than when we were here three weeks ago and I am sure you will be grateful to hear. We wanted to thank you first of all for agreeing to move this up to three weeks instead the usual four weeks and we know you did that because of our concern about the possibility of the passage of the new zoning law. We appreciate that. We want to let you know that as this turns out because of _____ that has transpired during the last three weeks, it may actually not become necessary for you to vote on this application. And I want to explain to you what is going on. However, we want to respond to some of these issues that were raised. To our surprise during the last three weeks the opportunity has arisen for a potential settlement of the lawsuit that Mr. Anderson has been involved in with Mr. Libonati. As you know from our last conversation three weeks ago, the lawsuit involved this property and the tenancy of that lawsuit that prompted Mr.

Anderson to need to seek a subdivision. If a settlement can be worked out, then Mr. Anderson would not be threatened with having the property sold out from under him at his objection. That could conceivably be the result because, but it is premature to say that, but negotiations are ongoing and they are in by no means complete. So there is still a possibility that they could fall through. We expect to have a definite answer on that before your next meeting, which I believe I heard you say was May 9th. I believe we would know before that.

Vincent Cestone - So at some point you would have to either say we will continue or we are withdrawing

Debbie Landes - Correct

Vincent Cestone - You don't have to be here for a withdrawal. All you have to do is send a letter.

Debbie Landes - Thank you. We understand that. We are cautiously optimistic. But what we would like to do in the event that it is necessary for us to go forward, we did bring some of the documentation that you requested and we would like to hand up to you. We would also like to correct the record on some things that were stated at the last meeting and just make a couple of observations. We won't keep you long because of the possibility that the board will not ultimately have to vote on this but we do want to make corrections on some statements. When we were here last time you had requested a letter from Mr. Klotzle indicating that if the subdivision were granted and an accessory apartment were to become a single family dwelling that that would not change the wetland status. And Mr. Klotzle has provided such a letter which I will turn over. We also just very briefly want to respond to some of the objections that were raised by one of the neighbors. Katie Roberts had written a letter when we were here three weeks ago, we hadn't had an opportunity to see that letter. We have now had an opportunity to see it and very briefly we just want to address a couple of points that she raised in her letter. She seemed to have two primary points. One being that this board should not allow Mr. Anderson because he has a dispute with Mr. Libonati his tenant in common to expand the footprint of the barn in order to resolve that dispute. Mr. Anderson's plans in no way require expanding or entail expanding the footprint of the barn. That's not the proposal. That is not his application. The barn will remain exactly the way it is. So that concern that she has

Robert Dee - But it is becoming an accessory apartment

Debbie Landes - The accessory apartment was done previously. Correct. So she simply is mistaken in her belief that the current proposal entails an expansion of the footprint of the barn. Her second objection was about the septic system and her concern that because so much of the fields surrounding the barn is wet that the septic system might over flow. In response to her objection, Mr.

Anderson has obtained a letter from Mr. Delano who is an engineer at Badey and Watson. He is the engineer who designed this particular septic system for the barn and has prepared a letter addressed to you Mr. Cestone and all of the board members which I will hand over addressing the septic system and its design. He states that the design of the septic system is for not an accessory apartment but rather a single family dwelling with three bedroom, three bedroom single family dwelling and specifically in response to Ms. Roberts concern he said, his conclusion is "is our considered professional opinion that there is no basis for any concern about the location or design of the system". I also just want to note in case there is any concern about the proximity of Ms. Roberts' house to the barn in question, Ms. Roberts' house is a considerable distance away from the barn. She is on the front of the hill that the Osborne Castle is on. Mr. Anderson's barn is way around the back of that hill. At least a quarter of a mile away from her home. She is really quite a distance away. Even though she has a lot of property and her property borders.

(cannot hear the question)

Debbie Landes - That is our view. But in any event we submit to you that the experts, the wetlands expert and the engineer believe there is no problem whatsoever. Finally, we just want to take a couple of minutes to respond to both the content and some of the tone of what was said at the last meeting. Mr. Anderson was told for example that the board granted him a variance to build his accessory apartment and he was told that he should be grateful that the board did him that favor.

Vincent Cestone - I don't believe that was said

Debbie Landes - that's what we heard. Now obviously the accessory apartment application was not a variance application it was a special use permit

Vincent Cestone - I think you are reading an awful lot into _____. It is not in the minutes. Unless you, I really don't appreciate the paraphrasing.

Debbie Landes - If I am incorrect, then perhaps I mis-interpreted it. I actually wrote a note at the time that Mr. Anderson was told that the board did him a favor in granting

Vincent Cestone - I don't remember it that way.

Debbie Landes - Well, we simply wanted to point out that we didn't view that as a favor but

Vincent Cestone - We would never have said that

Debbie Landes - Okay. Mr. Anderson was told that he should start following the law like other people.

Vincent Cestone - By whom

Debbie Landes - By Mr. Dee

Robert Dee - I never said that.

Vincent Cestone - I think you should read the minutes. And I am taking offense to this

Robert Dee - I don't know where you are going with this. First of all that was granted over a year and a half ago _____. Has the accessory apartment been completed

Debbie Landes - No

Robert Dee - Has anything been done

Debbie Landes - Yes

Robert Dee - Inside

Debbie Landes - Inside no.

Robert Dee - A year and a half and nothing has been done on the property

Debbie Landes - Not correct nothing has been done. Mr. Anderson spent, as we pointed out last appearance, Mr. Anderson spent approximately \$60,000 constructing the driveway, approximately \$10,000 putting in the septic system. So it is not correct that nothing has been done on the project.

Robert Dee - But nothing has been done inside

Debbie Landes - Nothing has been done inside correct. If we misheard your remarks, then I apologize.

Robert Dee - You seem to targeting this at me

Debbie Landes - Well

Robert Dee - I don't quite understand where you are going with this. If your intentions is that _____ why are you targeting me?

Debbie Landes - I am not targeting you. I am trying to

Robert Dee - It seems like it to me

Debbie Landes - Okay, I'll explain to you

Vincent Cestone - I am going to stop this right here. Unless you have some real evidence that you wish to submit, I suggest that _____ I am not going to listen to any more of this. Mr. Dee, I can understand how he is feeling _____. Read the minutes.

Debbie Landes - I will do that. May I just explain to you why we think the relevance is

Vincent Cestone - No you can't

Adam Rodd - If I can just intervene. I think, if you want to make a record, you have the right. The applicant has a right to make a record. Respectfully, the board is required to allow the applicant to state her reasons for granting the particular variance.

Robert Dee - Is this going to be voted on tonight

Adam Rodd - No but she is entitled to be heard. That is the only thing I am interjecting.

Debbie Landes - I don't mean to be disrespectful. This is our concern Mr. Cestone. Our concern is that the view of the board or some members of the board, we have no way to judge how many board members might feel this way, our concern is that the view of the board might be that Mr. Anderson applied for an accessory apartment and essentially he has asked for an inch and now wants to take a mile. He wanted an accessory apartment and now he wants a single family dwelling. And he is in some way greedy that that might be how some board members felt. And we want to just respond to that if that is a concern of course

Vincent Cestone - I am not prepared to say anything for the board, but that is not the way I feel

Debbie Landes - We are grateful to hear that but that was our concern

Vincent Cestone - My only concern is _____

Debbie Landes - But you remember at our last meeting you had specifically asked you know, Mr. Anderson was here previously for an accessory apartment. Now he is here for a single family dwelling. So what has changed? So our effort was to persuade you that circumstances

Vincent Cestone - Right. But you are reading into things that were not said. We were asking to get a response from the applicant for what we needed to know.

Debbie Landes - And we wanted to share that with you

Vincent Cestone - But you are reading into something that is not there

Debbie Landes - We were concerned about the tone that was directed at us at the last meeting. That was our concern. If that was unwarranted, then we won't be concerned with it. I mean no offense to you. We were trying to respond to what we perceived as a view that Mr. Anderson was either being greedy or not appreciative or that he somehow felt entitled to things that other people are not entitled to and we were trying to respond to that concern.

Vincent Cestone - We are concerned with the five factors. All the other ancillary stuff we don't waste time

Debbie Landes - We appreciate that. You satisfied our concern

Vincent Cestone - Okay

Debbie Landes - Thank you. So may we ask then that you put us on the calendar for the next meeting

Vincent Cestone - If you settle before then, send a letter and at that time we will state that we received a letter withdrawing the application

Debbie Landes - Thank you

Bill Flaherty - I have a question, Mr. Dale was there last week and he had disagreed with the fact that you _____ accessory apartment two years ago. And also raised a very _____ last month. But anyway has that been resolved. Is that still an on-going problem? That driveway?

Vincent Cestone - That is unrelated to this whole thing because there is no evidence _____.

Bill Flaherty - Well I just wanted the point clarified in my mind that this Mr. Dale has made a valid point about the use of that driveway.

Vincent Cestone - I don't see the relevance of this but if you want to respond

Debbie Landes - Well only because Mr. Dale handed up his map last week so there is a map in the record.

Vincent Cestone - He handed up the same maps at the accessory apartment hearing

Debbie Landes - Very very briefly Mr. Dale's position is that because his driveway veers away from the property line, that for a small part of his driveway that veers away from the property line there is no easement for driving on that part of the driveway. There is an earlier map, if the board needs to vote on this and the Board would like to see it, we would be happy to hand it up when come back the next time to perhaps satisfy your question. But at the time the easement was granted it was 1952 and there is a 1952 survey that shows at that time that the driveway actually forks and did follow the property line although it doesn't any more. And so therefore that the fork that Mr. Anderson and Mr. Libonati have been driving on was part of the original easement. Mr. Anderson has offered to show Mr. Dale the old map that corresponded with the easement and Mr. Dale has not taken him up on that offer. But it is our position that the easement follows the property line which follows Mr. Anderson's driveway so legally there is no problem. Mr. Dale doesn't agree but he has never filed an action in court to try claim trespass or

Dean Anderson - Which is where it belongs

Vincent Cestone - We wouldn't view that

Debbie Landes - That is our point

Vincent Cestone - That is something that he would have to go to the building department and then go to the courts. We wouldn't review that here

Debbie Landes - That's our position. But we didn't want to leave a cloud. Actually Mr. Dale and Mr. Anderson get along very well.

Vincent Cestone - Except for the driveway

Dean Anderson - Skip is a pretty good guy. He just likes to have an exciting night.

Debbie Landes - Thank you very much

Kim Shewmaker - 239?

Adam Rodd - Can we just ask a quick question? When you were at the Planning Board was a 239 referral made to your knowledge?

Dean Anderson - What does that have to do with it? I mean what is a 239 because I did a lot of paperwork

Adam Rodd - Your attorney might know. Requests for variances within a certain distance from a State or County Road, and I am not sure if it is or it isn't, it might not be

Dean Anderson - We are pretty far away I think

Adam Rodd - My thinking we can do it just to play it safe. They have 30 days to respond to it. If your property is not within 500 feet,

Dean Anderson - Actually it is

Debbie Landes - Property or the barn?

Adam Rodd - I would say the property

Dean Anderson - It is

Adam Rodd - So then we will handle it and it should be back in time for the next meeting

Debbie Landes - Thank you

Vincent Cestone - Okay. Anyone wish to speak on this? With that it is continued on to our next meeting. Review of minutes of February 14th. Any corrections?

Kim Shewmaker - There are probably a lot of corrections, Paula was going to fill in the blanks.

Paula Clair - Oh. I will give them to you afterwards

Kim Shewmaker - So it is not ready yet. No for February 14th. March 14th?

Vincent Cestone - March 14th. A motion to accept the minutes as submitted.

Bill Flaherty - Second

Vincent Cestone - All in favor

All Board Members - Aye

Vincent Cestone - Opposed?

Vincent Cestone - The Mary Dawn Resolution.

Adam Rodd - Okay. I trust you have all reviewed it. And it is up to the board, I

can read it through conditions or

Vincent Cestone - Go ahead

Adam Rodd - Okay. The resolution reads as follows up through conditions. The Philipstown Zoning Board of Appeals conducted a public hearing on March 14, 2011 to hear the request of the applicant, Mary Dawn, Inc., to extend its time to complete the reconstruction of a non-conforming structure located at 3154 Route 9, Cold Spring, New York 10516. Pursuant to Section 175-87(A) of the Zoning Ordinance, nonconforming structures, which have been damaged or destroyed by fire or other casualty, may be reconstructed on condition that such reconstruction is completed within two (2) years of the date of loss. In this case, although the date of loss is September 6, 2005, the applicant did not complete reconstruction within two (2) years of said date. This board previously granted the applicant's request to extend the time to complete reconstruction until October 31, 2008, with further extensions having been granted until October 31, 2009, and November 30, 2010. The applicant now seeks a further extension of time to complete the reconstruction. At a public meeting of the Board on March 14, 2011, and upon all discussion and testimony that preceded it, site visits made by individual Board members, and a review of all submissions and proof submitted to this Board, Vincent Cestone made a motion, seconded by Bill Flaherty, as follows: Be it resolved, that the Zoning Board of Appeals of the Town of Philipstown, Putnam County, New York, determines and finds: That the balancing of equities weighs in favor of granting the request of Mary Dawn Inc., to extend its time until March 14, 2012, to reconstruct the nonconforming structure located at 3154 Route 9, Cold Spring, New York. Conditions of the Extension. 1. the reconstructed structure shall not, in accordance with Section 175-87(A), extend the pre-existing non-conformity of the structure. 2. The reconstructed structure shall be built in accordance with the previously issued Building Permit (Permit No. 2006-9765), dated September 8, 2006. 3. In light of the fact that the applicant seeks to construct a non-conforming structure, and in light of the Town's interest in eliminating development which does not conform with the Zoning Code, no further extensions of time beyond March 14, 2012 date to reconstruct the subject nonconforming structure shall be granted.

Vincent Cestone - Okay. I make a motion to accept the resolution as submitted. Do I have a second

Lenny Lim – Second

Bill Flaherty - I wouldn't second this motion at this point in time. In this resolution we will grant no further extensions of time beyond the March 14, 2012 date

Adam Rodd - Correct

Bill Flaherty - Okay. How legally binding is that?

Adam Rodd - It is a declaration by, it is binding, it is a declaration by this board to be the final and last extension.

(Bill's reply is inaudible)

Bill Flaherty - ... she had applied for a loan with the SBA five years ago. And she got involved in a bureaucratic process. Through no fault of her own she got caught up in a time consuming process even though she did everything right and made filings on time. By not giving her an additional opportunity to appear before the board within a year, she will have to make out new applications at additional expense to her for the filing of a new application. And we are penalizing her by not giving her the opportunity.

Adam Rodd - Well, just a couple of things. The resolution simply immortalized the vote of the board at the last meeting to grant a further extension with a caveat that this would be the last and final extension. I can tell you legally it is binding in my opinion and the reason is that the applicant is proposing to do is essentially with the reconstruction she is constructing a structure that doesn't conform with the code as it is now. And it is a general policy not just in the Town of Philipstown but in other municipalities to eliminate nonconformities. Variances in Codes make exceptions to that and this provision in the Code makes an exception that the Board may in its discretion grant a further extension if it meets a purpose. On the other hand the Board does not have to grant any extensions at all.

(Bill's reply is inaudible)

Bill Flaherty - ...and under the circumstances we find ourselves today

_____.

(Conversation is inaudible)

Adam Rodd - If all five members of the board are here, you can certainly do a roll call. I would suggest that you make a motion that the language in the resolution indicating that no further extensions would be granted be modified. And if three members of the board that indicate that is appropriate I can prepare a final resolution whereby I would delete that. If not then, I just simply immortalized the vote that was indicated at the last meeting.

Vincent Cestone – who would like to make a motion

Bill Flaherty - I second that we delete the wording where the board will not grant further extensions of time. I make a motion to delete that sentence from the resolution. Do I have a second?

Paula Clair - inaudible

Adam Rodd – well, I think when we say this is the last and final, she would essentially be asking us to vacate a prior resolution.

Bill Flaherty - Therefore she would not have a right to come before us

Adam Rodd - Unless she can claim to changed circumstances in the community or some sort. I mean the decision of the board is a final decision. Just so we are clear, we are granting her the year extension and at the last meeting as I understood it there were three votes to say that this is going to be the final and last extension. And that is in the resolution. If you want to modify the resolution, you will need three votes to modify it and I will prepare an amended resolution for the next meeting. If you want to have the extension but omit the third condition, that is up to the members of the board.

(Discussion in audible)

Vincent Cestone - She can reapply

Bill Flaherty - She can reapply yes but she will have to fill out another application, pay an additional fee, okay. So we can look at it again. My point is that she is being penalized unnecessarily

Vincent Cestone - She is not being penalized. We gave her three extensions

Bill Flaherty - But these are beyond her control

Vincent Cestone - She has had seven years

Bill Flaherty - My point is I don't think we should include that particular phrase in the resolution. I make a motion to delete it.

Adam Rodd - Well just to make it very _____ we are granting her an extension. If we remove that language, we are still granting the extension. As I understand your concern, I understand it, however the board wants to go, you just want the discretion to consider a further extension if that structure if in fact the structure is not built by the deadline you set forth. So I mean, again, it is up to the board

Vincent Cestone - Going once, going twice, three times. The vote stands.

Bill Flaherty - Okay.

Vincent Cestone - All those in favor of the resolution as submitted

All Board Members - Aye

Vincent Cestone - Those opposed

Bill Flaherty – no

Vincent Cestone - Okay the next item is K. Kimball Richmond for completeness. Hi how are you?

Adam Rodd - Just very briefly I understand the application is in the R-80 District. I believe it is on the east side of Route 9D. And they are seeking to construct a pool and a pool house and the pool house I understand it will be located within the side yard setback. The required side yard

Representative from River Architects - Yes

Adam Rodd - The code requires a 30 foot side yard setback and the pool house will be 15.3 feet from the side yard setback.

Representative from River Architects - We are utilizing the footprint of the existing stable that is there and it will go a little bit further to the south

Vincent Cestone - You are using the footprint

Representative from River Architects - Towards the south

Vincent Cestone - Are you going to increase the footprint

Representative from River Architects - Slightly

Vincent Cestone - Adam, do you have any issues

Adam Rodd - No, I was just talking to Kim. We need to clarify presumably you went to the Building Department seeking a permit and were denied because it didn't conform with the zoning code. For whatever reason, the building department did not forward to us the actual denial. I am sure that they have it, but I don't have a problem putting it over to May and we will contact the Building Department just to get that.

Vincent Cestone - Okay, then you are on for May 9th

Representative from River Architects - Normal meeting is the 4th Monday in April.

Vincent Cestone - We don't have enough appeals to have two meetings a month and we have to publish it in the paper and there won't be enough time.

(Conversation inaudible)

Representative from River Architects - Should I contact the Building Inspector about that, because he said he was going to do it.

Adam Rodd - We will contact the building department

Vincent Cestone - But if it makes you feel comfortable, then you can contact the building department too

Representative from River Architects - So May 9th

Vincent Cestone - At 7:30. As far as old business is concerned we have two letters. One from Reeve and the other one from Whyte asking for their escrow money back. **(inaudible)**

NOTE: These Minutes were prepared for the Zoning Board of Appeals and are subject to review, comment, emendation and approval thereupon.

DATE APPROVED: 6/13/11

Respectfully submitted,



Kim Shewmaker
Secretary