





NEW YORK STATE  
Adirondack  
parkagency

November 9, 2006

James E. Martineau, Jr.  
Attorney at Law  
PO Box 187  
15 School Lane  
AuSable Forks, NY 12912

RE: Enforcement File E2005-200  
Leroy Douglas

Dear Mr. Martineau:

Please find enclosed the executed Settlement Agreement resolving this matter. Please file the original document in the Clinton County Clerk's Office and provide the Agency with proof of such filing.

Requirement 3 of this Settlement Agreement has been fulfilled, as Agency Biologist Mark Rooks has verified the delineation and survey of the wetlands on the subject property. Please work with Enforcement Officer Doug Miller in your efforts to comply with the remaining settlement terms.

Thank you for your cooperation in resolving this matter.

Sincerely,

Paul Van Cott  
Enforcement Attorney

Enclosure

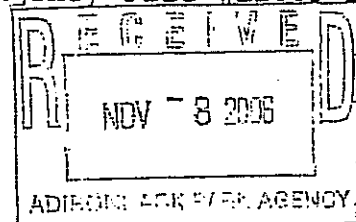
STATE OF NEW YORK: ADIRONDACK PARK AGENCY

-----X  
In the matter of the apparent  
violations of Article 24 of the  
Environmental Conservation Law by:

DOUGLAS CORPORATION

Respondent, on property located in the  
Town of Black Brook, Clinton County  
(Tax Map Parcel 308-2-1)  
LUA: Low Intensity Use

SETTLEMENT AGREEMENT  
Agency File #E2005-200



-----X  
WHEREAS:

1. The subject parcel contains wetlands and is located in an area classified as Low Intensity Use by the Official Adirondack Park Land Use and Development Plan Map.
2. Section 24-0703 of the Environmental Conservation Law requires a permit from the Agency prior to the deposit of any fill in a wetland area in the Adirondack Park.
3. Agency investigation reveals that fill has been deposited in an approximately 53 foot wide right-of-way in a wetland area between lots 1 and 2 on the subject property, as these lots are designated on a survey map dated August 12, 2005, revised July 6, 2006, and provided by Respondent to Agency staff ("Survey Map" attached hereto as Exhibit A). No permit was obtained from the Agency prior to the deposit of this fill.
4. Agency investigation reveals that fill has been deposited in an approximately 20 foot wide right-of-way in a wetland area that crosses lots 2 and 3 on the subject property, as these lots are designated on the survey map. This fill was used to widen an existing road and replace a culvert. No permit was obtained from the Agency prior to the deposit of this fill.
5. Respondent desires to resolve this matter by settlement and agrees to be bound by the terms of this Settlement Agreement as set forth below.

NOW, THEREFORE, THE AGENCY AND RESPONDENT AGREE AS FOLLOWS:

2. By December 1, 2006, Respondent shall restore the wetland areas on the subject property by:

- Removing the fill from the 53 foot wide right-of-way between lots 1 and 2 and from the 20 foot wide right-of-way that crosses lots 2 and 3 as marked by Agency Biologist Mark Rooks during his visit to the subject property on October 2, 2006;
  - Removing all excess fill deposited in the road and marked by Mark Rooks during his visit to the subject property on October 2, 2006. This fill shall be removed so that the driving surface of the road is reduced to 12 feet in width, the slope of the shoulders of the road is 2:1 (run:rise), and the height of the road is not increased;
  - Easing the slope of fill areas next to streams to a minimum of 2:1 (run:rise);
  - Installing silt fence at the toe of the resulting slopes, seeding the area with perennial/annual grass seed mix, and mulching the seeded area with straw.
2. Respondent shall notify Agency Biologist Mark Rooks upon completion of the work required under Paragraph 1 above so that a compliance inspection may be undertaken.
  3. By November 10, 2006, Respondent shall arrange for a date when Respondent's surveyor may meet with Mark Rooks to delineate and survey all wetlands on the subject property.
  4. Respondent, its successors and assigns shall not undertake any new land use or development on the subject parcel, including any subdivision or any additional grading, excavation, or road-building in or near wetlands, without first obtaining an Agency jurisdictional determination and, if required, an Agency permit or variance.
  5. By November 30, 2006, Respondent shall record this settlement in the Clinton County Clerk's Office in the same manner as an Agency permit and shall provide proof of such filing to the Agency.
  6. This matter shall be deemed to be finally resolved upon the full execution of this Settlement Agreement.

Dated: 11/7, 2006  
Ray Brook, New York

ADIRONDACK PARK AGENCY

By: 

Paul Van Cott  
Enforcement Attorney

STATE OF New York )  
 ) SS:  
COUNTY OF Essex )

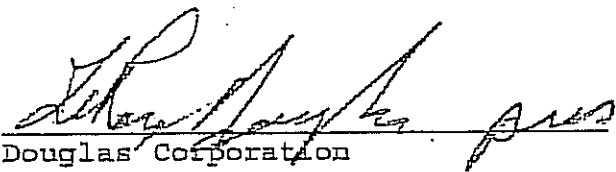
On this 9<sup>th</sup> day of November in the year 2006, before me, the undersigned, a Notary Public in and for said State personally appeared Paul Van Cott, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individual acted, executed the instrument.

Mary L. Reardon  
Notary Public

MARY L. REARDON  
Notary Public - State of New York  
Qualified in Essex County  
No. 01RE6114798  
Commission Expires Aug. 23, 20 08

AGREEMENT

Respondent agrees to the terms set forth in this Settlement Agreement to resolve the matter of Adirondack Park Agency File E2005-200.

By:   
Douglas Corporation

STATE OF New York )  
 ) SS:  
COUNTY OF Essex )

On this 31<sup>st</sup> day of October in the year 2006, before me, the undersigned, a Notary Public in and for said State personally appeared Cheryl Orville, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individual acted, executed the instrument.

Pamela A. Shambo  
Notary Public

PAMELA A. SHAMBO  
Notary Public, State of New York  
No. 01SH6031369  
Qualified in Clinton County  
Commission Expires Sept. 27, 2007

October 26, 2006 Settlement Agreement