From:	Aimac@aol.com
To:	Brock, Frank
Cc:	jconrad@pvesheffler.com
Subject:	Black Bear Campground, Orange County, NY
Date:	Thursday, September 12, 2013 1:25:13 PM
Attachments:	ATT00001.txt

Hello, Frank. . .

I just received, yesterday, a copy of the Verified Complaint filed by the Town of Warwick against the Black Bear Campgrounds in 2008 which I am attaching for your files. That case resulted in a stipulated settlement in which Defendant agreed to make the campgrounds fully compliant within 2 years. The Defendant did nothing and when the Town went back to court in 2010 for non-compliance, the Judge found that the settlement agreement she had approved in 2008 was, in fact, "too vague" to be enforced so she vacated the settlement. The Town appealed in 2011 and in 2012 the Appellate Division agreed with the Judge that the settlement agreement, the one that the same judge had "so ordered" in 2008, was too vague.

Since then the Town (having already spent $24,000. to be back at square one) has not pursued the litigation although the case is still open. You don't have to read the whole complaint but I would direct your attention to the "verified" allegations the Town made in 2008. . . especially Paragraphs 41 through 44 that speak to leaking individual septics system, adding septic connections without approval, installing unapproved septic barrels. modifying well water source disinfectant system, nonfunctioning chlorination equipment and septic tanks with "perforations". To the best of our knowledge, the defendant just expanded his business, including the unauthorized expansion onto the Neeman property adjacent to the campground, and in the intervening years did little if anything to cure violations.

By separate email, I am also attaching a copy of John Conrad's Affidavit filed with the Supreme Court today in the action commenced by Neeman (the neighboring property owner) against the owner of the campground, describing the results of his investigation, as well as the Affidavit of Jason Pitingaro, P.E., a consulting engineer, describing his investigation.

The last 2 documents attached hereto are what the NYDOH relies on as justification for not enforcing the violations they have found at the campground and a letter we just received from the defendants' counsel which is actually a 09.04.13 letter from the OCDOH to an engineer recently hired by the campground in response to the Neeman lawsuit, saying that they, too, will not be reviewing the closure plan for the unpermitted septic system installed by the campground on the Neeman property (which, from John's affidavit, you will see preliminary tests revealed the presence of VOCs in the sludge of that tank) and, presumably, the injection of the millions of gallons of laundry waste directly into the ground at the Neeman property border.

Since you have so patiently read everything else I've sent to you, I thought these items would complete your file to date and maybe help in making a determination to actively seek a shallow waste disposal system/well inventory from the campground.

There doesn't seem to be any avenues open to preserve the quality of the Neeman property despite persistent and continuous violations which the campground does not even deny. In fact, they are eager to just have their workman get permission to come in, remove the physical stuff comprising the septic system installed there, backfill and exchange releases.

Anyway, it was always good to talk to you so if you, or anyone else at your offices, have any questions, please do not hesitate to contact me.

Regards,

Louise

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