

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
JULY 13, 2010**

The July 13, 2010 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Dr. Edward Merker, James Moriarty, Gary Meixner

Absent: Shoshana Hantman

Guests: None

Announcements:

The Conservation Board has three vacant seats, each for a two-year term.

The Town Board reappointed Ms. Shoshana Hantman to the C.B. for a two-year term by resolution dated June 14, 2010 adopted June 10, 2010.

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Announcements:

Board member Shoshana Hantman emailed the C.B. Secretary to inform her that she would not be able to attend the meeting tonight.

Approval of Minutes:

A motion was made by Dr. Edward Merker and seconded by James Moriarty to approve the minutes of the June 22, 2010 regular meeting of the Conservation Board. All members present approved.

The Board members made no changes to the Minutes of June 22, 2010.

Old Business:

- A)** Town Board action/Conservation Board vacancies/C.B. requires three appointments to the Board to meet the Town Code criteria:
C.B. Secretary Ms. Davis informed the Board members that the Town Board has approved three new candidates to serve on the Board. Their names are John Purcell, Michael La Gue and Eric Evans.

Ms. Davis explained that once the appointment letter goes to the new members from Town Clerk Pacella, then they will come to the Town House and get sworn in and the Board will have three new members.

She mentioned that Ms. Pacella advised her that the new members should be in place by August.

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Old Business:

A) Town Board/CB vacancies:

Ms. Davis informed Ms. Pacella that there is another Conservation Board meeting in July on the 27.

Ms. Pacella mentioned that she would expedite the letters so that the volunteers would have some time to get sworn in before the meeting.

Ms. Davis advised the Board that she thanked Ms. Pacella and said that she would appreciate anything that could be done to help expedite the situation.

Chairman Meixner said that sooner would be more beneficial, barring the fact that some people might be on vacation.

Ms. Davis agreed and said that either way it was not going to be an overnight procedure, there would be training and time involved before they could contribute. She opined that it would be better if the volunteers could be replaced as soon as they leave the Board, but sometimes it may not be possible if the Town Board does not have any candidates.

The Board members took no further action at this time.

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Old Business:

B) Conservation Board/Letter of thanks to Board member Gloria Rosenzweig:

C.B. Secretary Ms. Davis noted that there was some discussion at the last meeting, generated by the Chair regarding a letter to Board member Rosenzweig to thank her for many years of service to the town.

Ms. Davis produced the letter to Gloria Rosenzweig, the Board members read the document and approved it. Subsequently Chairman Meixner signed the document and it was mailed.

The letter to former Board member Rosenzweig read as follows:

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The Conservation Board for the Town of Somers would like to take this opportunity to thank you for the many years that you have volunteered on the Board. We will miss your presence at the meetings.

The Board members are also grateful for your participation, reports and attendance at the meetings. Thank you for the time that you have generously donated to the Town.

Good luck to you in your future endeavors. It has been a pleasure working with you.

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The Board members took no further action at this time.

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Old Business:

- C) Site Inspection/Conservation Board – Site Inspection Rte. 100/a large number of trees have been cut down on steep slopes; CB memo #10-16; visit to Engineering office; report on status of this activity; waiting on response from Principal Engineering Technician/Update – email 6-21/S. Woelfle, (#213/Rte. 100/North of Plumbrook Road/South of Reservoir):
(GM)

C.B. Secretary Ms. Davis referenced the above site inspection for #213 Rte. 100 where the applicants are proposing the installation of a two car garage and some trees have been cut down and land cleared. She noted that Chairman Meixner had looked at the parcel and given a report and the Board had written a memo that they sent to the Principal Engineering Technician, Steve Woelfle.

Ms. Davis was asked to check into the situation further and speak with Mr. Woelfle, as Chairman Meixner did not have the opportunity. She found out that a 22-inch in diameter tree was cut down on the top flat area of the proposed location and several smaller trees, non regulated as well as many dead trees that were located on the parcel.

Ms. Davis advised that she phoned the Chair to inform him of the conversation with Mr. Woelfle. She mentioned that Steve reiterated to her that the original application had larger plans, more involved with a bathroom, grading and more clearing. It would have necessitated the applicant having to go before the Planning Board, which he did not want to do, due in part to time constraints. The applicant also has to get a Zoning Board permit for a variance she said.

Chairman Meixner inquired about the permit.

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Old Business:

C) Site Inspection/#213 Rte. 100:

Ms. Davis responded that the site was too close to the road, so the applicant needs a variance from the Zoning Board for infringing on the town setback area for the road.

The Chair asked what the applicants are building.

Ms. Davis responded that they are installing a two-car garage only. The Principal Engineering Technician informed her that the plans are not so extensive as they had been formerly.

She mentioned that Mr. Woelfle thought that the C.B. receives copies of the tree permits, but she did not think that we do unless it is a Planning Board application.

Dr. Edward Merker inquired about the open area carved out of the hillside and was wondering what was there before.

Chairman Meixner said that at one time there was a shed there, but the area did not seem so open as it is now. There was no water or electricity available for the shed.

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Old Business:

C) Site Inspection/#213 Rte. 100:

Discussion ensued among the Board members with reference to this application and whether or not it was going to be more extensive than what is in the plans.

The Chair requested a copy of the plans for this application.

Ms. Davis said that she would contact Mr. Woelfle and ask him if the C.B. could see the plans.

Chairman Meixner said that he would like to see the architectural rendering.

The Board members took no further action at this time.

D) Projector & Screen Procedure/Report/at last meeting inquiry was made into the procedure for borrowing a projector and screen for the CB meetings: (RD)

C.B. Secretary Ms. Davis informed the Board members that she was asked to look into the procedure for borrowing a projector and screen for the Board.

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Old Business:

D) Projector/Screen procedure:

Ms. Davis mentioned that she emailed Town Planner Hull who referred her to the Library Director, Ms. Pat Miller. Ms. Davis said that she spoke to Ms. Miller and the procedure for borrowing the projector and screen involves going to the Library and picking it up when they are open (as well as signing it out) and then returning it the next day.

Chairman Meixner asked if there was someone working at the Town House that could pick up the projector and screen.

Ms. Davis responded that she did not think so as everyone has there specific job to do and it does not involve errands for the Conservation Board.

Chairman Meixner inquired about the size of projector and screen

Ms. Davis noted that she was told that it could be lifted and transported, the Library Director said that it was not heavy. Ms. Davis said that maybe, depending on the hours of the Library, the C.B. could meet there, if it was acceptable, but she would have to find out the procedure. She advised that she did not ask Ms. Miller that question. She would phone the Library and inform the Board at the next meeting.

The Board members took no further action at this time.

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Old Business:

- E)** McEntergart/Steep Slope Alteration Permit Application/Site Plan/Planning Board, dated October 31, 2005, revised May 27, 2010; Alternate Site Plan dated October 13, 2005, revised May 27, 2010, Section 36.12, Block 2, Lot 6, Prepared by Bibbo Associates, LLP, (Amawalk Point Road/off Rte. 35 on right side/before Rte. 118): (EM)
The Board members reviewed the above Planning Board application for McEntergart site plan, steep slope alteration permit and alternate site plan at their meeting.

Board member Dr. Edward Merker reviewed the materials submitted, performed a site inspection of the property and gave a report to the Board.

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Report:

- Dr. Merker informed the Board members that the property was located in a new development off Rte. 35 called Amawalk Point and on a road called Amawalk Point Road.
- Dr. Merker read from the document provided by the applicant as follows:

“When we were last before the Board we were asked to consider an alternate plan (at the base of the slope) in lieu of traversing the slope to the site of the house on the flat area above. You will note that this alternate plan disturbs more steep slopes than our base plan site.”

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Old Business:

E) McEntergart/SSAP:

- Dr. Merker noted that all the plans submitted are dated the same so that it is difficult to determine which plan is the base plan and which is the alternate plan. He reviewed the plans with the Board members at the meeting.
- He explained that the plan with the house located on a flat area at the top of the hillside was a much nicer location for the home, however, the driveway leading to the house is extremely long and disturbs more steep slopes and trees than the other plan.
- The application did not state why the Planning Board wanted the applicant to consider an alternative plan he said.

Ms. Davis mentioned that originally there were other parcels of property that were along the proposed road and some of them were having problems accessing the roadway because of the way it was being built.

- Dr. Merker drew a line from the driveway to the house in an area that would be less of a disturbance.

Chairman Meixner asked about the contour line.

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Old Business:

E) McEntergart/SSAP:

- Dr. Merker said that the contour line was 450 going north.

Board member Moriarty said that the applicant would have to wall both sides of the driveway.

The Board members determined that the old plan was called SP-1 and the new plan was A-SP.

- Dr. Merker noted that the Board would be more likely to approve the original plan with the house at the base plan site but the driveway would have to be changed and go north and follow the 450 contour line to avoid the steep slopes. It is less disturbance and less invasive.
- Board member Merker explained that Plan B goes through extremely steep slopes and takes many more trees down.

Chairman Meixner agreed and said that the Board would need to see the entire subdivision site and all properties associated with this development. He mentioned that the Town Code recommends that the slope of the driveway should be no greater than 15%.

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Old Business:

E) McEntergart/SSAP:

Board member Moriarty advised that the applicant's proposed driveway is about 400 ft. long (the one that wraps around the perimeter of the property).

Discussion ensued among the Board members with reference to this application and the proposed house and driveway.

After reviewing the plan the C.B. determined that they would prefer the alternate plan (A-SP) with the driveway to the house site located in a different area.

- The neighboring properties are not shown on the plans submitted. They should be noted on the plan the C.B. is reviewing along with the property lines.
- The existing house with the access for Rte. 35 is not shown on the plans submitted. It is located northwest off the roadway and is not shown on the plans.
- The adjacent lots and lot lines are necessary to make a more informed decision.

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Old Business:

E) McEntergart/SSAP:

Discussion ensued with reference to the location of the septic system and the disturbance to the slopes with reference to the driveway.

Chairman Meixner noted that the applicant could use a pump up septic system, if necessary.

After much discussion on the matter the Board members decided to write a memo to the Planning Board stating their recommendations and concerns.

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A memo (#10-27) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for McEntergart, site plan, steep slope alteration and alternate site plan at their meeting on July 13, 2010.

The Board members reviewed the materials submitted, performed a site inspection of the property and discussed the application among them.

The C.B. has the following concerns and recommendations:

- 1) The neighboring properties are not shown on the plans submitted.

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Old Business:

E) McEntergart/SSAP:

- Neighboring properties along with the appropriate property lines should be exhibited on the plan the C.B. is reviewing.
 - The adjacent lots and lot lines are necessary to make a more informed decision.
- 2) The existing house with access from Rte. 35 is not shown on the plans submitted.
- This house is actually located northwest from the roadway.
 - The applicant should note this house on the plans submitted.
- 3) The Board would consider approving the original plan (A-SP) with the house located at the base plan site, however the applicant's driveway would have to be moved to a different location.
- The driveway would have to be changed and made to go north following the 450 contour line in order to avoid the steep slopes.
 - The driveway located along the 450 contour line would be less disturbance and less invasive.
 - (Please see visual provided)

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Old Business:

E) McEntergart/SSAP:

The Conservation Board will continue to review the above application for McEntergart site plan and steep slope alteration permit as revisions are submitted.

The Board members took no further action at this time.

F) Sussmann Mobil Station/Site Plan/Planning Board dated June 13, 2010, Project Drawings SP-2/Existing Conditions, SP-3/Site Plan "A", SP-6/Erosion Control & Construction Staging Plan, SP-7/Site Details, revised June 8, 2010, Stormwater Pollution Prevention Plan, revised June 8, 2010, Prepared by Bibbo Associates, LLP, (#291 Rte. 100/across from IBM): (GM)

The Conservation Board briefly reviewed the above Planning Board application for Sussmann Mobil Station site plan, erosion control and stormwater pollution prevention plan at their meeting.

Chairman Gary Meixner reviewed the materials submitted, performed a site inspection of the property and gave a brief report to the Board.

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Old Business:

F) Sussmann Mobil Station/SP:

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Report:

- Chairman Meixner informed the Board that the applicants agreed to change the erosion control feature to steel stakes with filter fabric and wire mesh backing.
- The Chair advised the Board that the applicant revised the plans and decided to construct an office in the basement with a bathroom facility.
- He mentioned that if the applicants need a variance (Zoning Board) he would like to pursue finding out more information regarding the procedure and necessity.

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As the plans were not available at this time the Board members decided to table discussion on this matter until the next meeting when the Chair will have the plans to show the Board.

Discussion ensued among the Board members with reference to the office being located in the basement and the application needing a variance.

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Old Business:

F) Sussmann Mobil Station/SP:

The Board members took no further action at this time.

G) Mitchell Subdivision/Site Plan/Planning Board; Preliminary Subdivision Plat & Construction Drawings – 5 Sheets dated June 14, 2007, revised June 8, 2010, STD-1; Preliminary Plat & Construction Plan, EC-1; Erosion Control Plan, D-1; Road Profile & Related Details, D-2; Stormwater Management Facilities Details, D-3; Additional Site & Drainage System Details, Sheet 16.09, Block 1, Lot 9, Prepared by Bibbo Associates, LLP, (#197 Tomahawk Street/Rte. 118): (JM)

The Conservation Board reviewed the above Planning Board application for Mitchell subdivision, site plan, preliminary subdivision, erosion control, drainage systems and stormwater management details at their meeting.

Board member James Moriarty reviewed the materials submitted, performed a site inspection of the property and gave a report to the Board.

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Report:

- Mr. Moriarty informed the Board that the application involves an existing house, a pool and a garage that would be demolished at some point in time.

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Old Business:

G) Mitchell Subdivision/SP:

- He advised the Board that the applicant has proposed to build a four-house subdivision located on seven acres of property in an R-40 zone (1-acre).
- Board member Moriarty noted that there are spelling errors on plan STD-1.
- On plan EC-1 the applicant is showing references to the C.B. memo in their letter dated June 15, item 4. The use of burlap has been eliminated. However later on in the application there is mention of burlap.
- The spelling error “*taked*” haybales, should probably be “*staked*” haybales, said Mr. Moriarty.
- He noted that the applicant proposed wood stakes, however he said that they should employ steel stakes with welded wire mesh backing and filter fabric overlay.
- Mr. Moriarty went on to say that in the letter submitted by the applicant, item #2 states that woven wire filter fabric is proposed, which is confusion in terms. There needs to be clarity. The construction specs say metal with stakes.

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Old Business:

G) Mitchell Subdivision/SP:

- He advised that the letter states that “any photos that were unclear will be reproduced with higher quality”, noting that the Conservation Board did not receive these photos.
- He commented that the applicant’s letter item #10 states that “the Planning Board determined the EAF to be acceptable”. He opined that this information should not appear in the letter.

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The Chair inquired about the length of the driveway being about 1000 ft.

The Board members agreed.

Board member Dr. Merker asked about the scale on the plan.

Mr. Moriarty responded 1 inch equals 50 ft. on this plan.

Dr. Merker noted that the applicant proposes to locate the driveway adjacent to Koegel Park.

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Old Business:

G) Mitchell Subdivision/SP:

The Chair was wondering about the possibility of some traffic issue due to the proximity of the driveway to the park.

Chairman Meixner suggested that the applicant eliminate lot #4 due to the proposed impact on the steep slopes and wetlands as well as construction of the driveway.

Discussion ensued among the Board members with reference to the application and its limitations including road frontage and the creation of the subdivision on what was formerly a long narrow lot.

The Board members tabled further discussion on the matter until the next meeting at which time they would make a decision on the matter.

Dr. Merker advised Ms. Davis that she should hold onto the plans until the next meeting.

The Board members took no further action at this time.

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Old Business:

- H)** Kauffman/Wetland Activity Permit Application/Site Plan/Planning Board, Existing Conditions & Soil Map, Constraints Map, Pool Plan & Details dated January 27, 2010, revised June 10, 2010, Section 17.12, Block 2, Lot 2.11, Prepared by Bibbo Associates, LLP, (#13 Rte. 116/off Deans Bridge Road): (JM)
The Conservation Board reviewed the above Planning Board application for Kauffman wetland activity permit application, site plan, constraints map and pool plan at their meeting.

Board member James Moriarty reviewed the materials submitted, performed a site inspection of the property and gave a report to the Board. He noted that he visited the site previously and was familiar with the project.

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Report:

- Mr. Moriarty advised that the entire project is located within the wetland buffer zone which encompasses steep slopes and wetland buffer areas.
- He noted that the application exhibits a prestaked silt fence and says specified fence or stronger.
- Board member Moriarty commented that he would not recommend that type of erosion control inside the wetland buffer zone.

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Old Business:

H) Kauffman/WAP:

- Mr. Moriarty advised that the applicant should consider a nicolon fence and upgrade the erosion control to have steel stakes, with wire mesh and filter fabric.

Board member Merker inquired about the condition of the wetland buffer area that is proposed for the installation of the swimming pool.

- Mr. Moriarty responded that the buffer zone was comprised of a rolling lawn with grass followed by trees. He mentioned that the applicant would have to take down some trees for the proposed pool.
- He noted the location of the septic system and other features of the property including the proposed pool.

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Dr. Merker mentioned that the area appears to be disturbed already with the applicant's planting of the lawn.

Discussion ensued among the Board members and they decided to table further comments on the matter until a full Board could be present.

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Old Business:

H) Kauffman/WAP:

The Conservation Board tabled discussion and decision on the proposed wetland activity permit for Kauffman until their next meeting.

The Board members took no further action at this time.

I) Conservation Board discussion/Homeland Towers/Cingular Wireless, regarding response to the C.B. memo having to do with setbacks, especially with regards to the nursery school: (EM)

The Conservation Board members discussed the above application and the problems associated with the setback to the nursery school at their meeting.

Board member Merker noted that he was looking for a comment from the Planning Board regarding the concerns and recommendations of the Conservation Board.

C.B. Secretary Ms. Davis referred them to the Status Sheet Summary from the Town Planner. Chairman Meixner said that he was looking at that information.

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Old Business:

I) C.B./Discussion/Homeland Towers:

Discussion ensued among the Board members with reference to this application.

Ms. Davis said that there was new information available under New Business where the applicant submitted a letter from Snyder & Snyder, the lawyers for Homeland Towers dated July 2, 2010 stating the following in the third paragraph of their letter:

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We believe the Conservation Board may be misreading the site plan with respect to certain setbacks, the nature and extent of the proposed equipment and other general application issues. The residential setbacks and nursery school setbacks are met. No building is proposed but rather AT&T purposes equipment cabinets on a 10 x 25-ft. concrete slab. The applicants have not been notified of the Conservation Board meetings or site inspections regarding this.

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Ms. Davis noted that the statement does not really explain why the Conservation Board is in error. It simply states that we are in error, like a matter of fact she said.

Dr. Merker said that it would be more appropriate if the applicant had responded in a more factual way.

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Old Business:

I) C.B./Discussion/Homeland Towers:

Board member Moriarty explained that an accurate measurement was what he was looking for from point to point, they said 585 ft.

Chairman Meixner said that they did not respond to our memo regarding setbacks, especially as it concerns the nursery. He commented that a phone call might shed some light on this matter.

The Board members took no further action at this time.

New Business:

A) CD/Acting Commissioner Edward Burroughs letter dated 6-30-10/Flooding & Land Use Planning – A Guidance Document for Municipal Officials and Planners: (EM)

The Conservation Board will review the above CD from Acting Commissioner Burroughs regarding flood and land use planning and give a report at the next meeting.

Board member Dr. Edward Merker will review the materials submitted and give a report to the Board.

A report will be forthcoming at the next Conservation Board meeting.

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New Business:

- B)** Homeland Towers/Cingular Wireless PCS, LLC/AT&T #121 Rte. 100 – Amato, Site Plan/Planning Board; (CB/misreading Site Plan w/regards to setbacks, letter dated 7-2-10, page 1); Additional Photo Simulations; Letter from VHB dated 7-1-10; Line of Visual Cross-Section from Rte. 100 near 7-11; Letter from VHB dated 7-1-10 w/photo, revised; EAF/revised, change access drive; Stormwater Pollution Prevention Plan/revised 7-10; Sabre Tree-pole Design Drawing; Concealment Pole Information; Painting Colors; DEC Response Letter; (*Pending FCC violation/over 150 days, action required by 9-6-10*); L-1 Landscape Plan 5-10-10; T-1 Title Sheet; Z-1 Plot Plan List of Adjoiners, Notes; SP-1 Site Plan; Z-1A Partial Site Plan; Z-2 Setback Map & Bulk Requirements Table; Z-3 Site Detail Plan; Z-4, 5 Elevations; Z-6 Equipment Details-Notes; Z-7 AT&T Equipment, Details; Z-8/Z-8A Erosion Control-Stormwater Management Map; Z-9 Erosion Control-Stormwater Management Details; E-1 One-Line Diagram-Details; E-2 Grounding Plan, Details-Notes; Prepared by Snyder & Snyder, LLP, (#121 Rte. 100/Amato property): (JM)

The Conservation Board will review the above Planning Board application for Homeland Towers/Cingular Wireless PCS, LLC, site plan, revised EAF, plans, access drive, erosion control and stormwater management at their next meeting.

Board member James Moriarty will review the materials submitted, perform a site inspection of the property and give a report to the Board.

A report will be forthcoming at the next Conservation Board meeting.

Discussion ensued among the Board members with reference to the comment in the letter dated July 2, 2010 from Homeland Towers which states, *the C.B. is misreading the site plan with regards to setbacks.*

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New Business:

B) Homeland Towers/SP:

Chairman Meixner requested that the Consulting Engineer for the Town be contacted and asked to come to the Board's next meeting to interpret what the Board is misreading, if anything. He inquired about the Engineer's name.

Ms. Davis responded Joseph Barbagallo.

Discussion ensued among the Board members with reference to the nursery school, its proximity to the proposed cell tower and Town Code. After much discussion on the matter the Board agreed that the key measurement was from the property line of the nursery school.

This item will be discussed at the next meeting under Old Business, Homeland Towers.

The Board members took no further action at this time.

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There being no further business to discuss, a motion to adjourn was made at 9:15 PM by Board member Dr. Edward Merker and seconded by Board member James Moriarty. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on July 27, 2010 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on August 10, 2010 and August 24, 2010 respectively.

Respectfully submitted,

Rosetta Davis
Secretary
Conservation Board

Cc: Town Board
Town Clerk
Town Engineer
Town Planner
Planning Board
Zoning Board
Open Space Committee
Architectural Review Board
Landmark Committee