

TOWN OF GREENFIELD

PLANNING BOARD

April 30, 2013

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by T. Yasenchak at 7:00 p.m. On roll call, the following members are present: Tonya Yasenchak, Nathan Duffney, Michael Gyarmathy, Andrew McKnight, John Streit, Stan Weeks and John Bokus, Alternate. Thomas Siragusa and Charlie Baker, Town Engineer, are absent.

MINUTES – April 9, 2013

MOTION: S. Weeks

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and approves the minutes of April 9, 2013, with a minor correction.

VOTE: Ayes: Duffney, Gyarmathy, Siragusa, Streit, Weeks, Yasenchak

Noes: None

Abstain: McKnight

T. Yasenchak introduces and welcomes Andrew McKnight as the new Planning Board member.

PLANNING BOARD CASES

SERGAY SHISHIK – Site Plan Review

Wilton Road

Sergay Shishik is present. A public hearing is opened at 7:04 p.m. S. Shishik explains that he would like to build a 24 x 32 facility that is essentially a barn type building for agricultural processing of distilled spirits. The license that he is attempting to get from the NY State Liquor Authority is a Class D Distiller's permit. He would be limited to using predominately agricultural products sourced in New York State and it also limits him to production of 35,000 gallons per year of finished product. The product will be sold both wholesale and retail and will be distributed off site. The facility will contain somewhere in the neighborhood of a 200 gallon pot still, similar to a large hot water tank. T. Yasenchak states that the applicant is before the Board for a site plan review for agricultural processing and she reads the definition from the code. Dave Dudinetz, Brigham Road, states that his concerns are any environmental impacts from the mash such as odor, byproducts – what happens with that? Denis Livsey, Brigham Road, states that he and his wife submitted a letter with their concerns and he goes over some of the points in that letter. D. Dudinetz questions the logistics of trucks coming in and out all day, weekly, etc. D. Livsey questions if there is a fire hazard. T. Yasenchak explains that this application was referred to the Saratoga County Planning Board for review. She reads from their review letter that there is no Countywide or Inter Community impact, but they do state that the Planning Board should request additional information for a complete site plan. The public hearing is adjourned at 7:13 p.m.

T. Yasenchak asks the applicant to address some of the public comments. S. Shishik explains the process of fermentation. He states that the only things released are carbon dioxide and alcohol. He explains that it is essentially a closed system. There are no emissions into the atmosphere. The mash that remains

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from the first processing is reused into the next batch. The spent grains, the solids, that remain at the end of that process do have some nutritional value to farm animals and he hopes to be able to work with some of the local farmers and to have them utilize that. The farmers would come and pick that up. There would not be any byproduct going into the septic system. A majority of the water is reclaimed and reused in the next batch. T. Yasenchak asks where that would be stored and how often would it be taken away. S. Shishik states that he has no intentions of doing 35,000 gallons. He states that the ATF does not allow you to do these things on a hobby basis in your home, you must have a dedicated location. He has a business plan and he is planning to do 18,000 bottles. Bottles are a fifth of a gallon so he is looking at 3000 to 4000 gallons per year. He is not talking about tons and tons of spent grain being left over. He would store it outside in containers. T. Yasenchak asks if it would be like a large garbage can. S. Shishik states it would be a container with a lid. Katie Camarro states that 55-gallon drums would work and that depending on the life of it, you would move it along pretty quickly. B. Duffney states that there are farmers in the town who would take it. T. Yasenchak questions deliveries. S. Shishik states that his distribution plan is actually to do it on his own and to get it out as quickly as possible. The only deliveries that are really going to be coming in would be maybe monthly deliveries. K. Camarro states that at the volume S. Shishik is proposing, he can probably pick up with a van. She states that she still does a lot of her own pick-ups and she makes a whole lot more than the applicant is proposing. T. Yasenchak questions that the grains or raw product would be stored inside or out. S. Shishik states that the raw product would be brought into the building and used right away. He will have a 600-gallon cooking pot; from there it would go into two 300-gallon fermenters so you are only cooking about once every other week. T. Yasenchak states that this is in the LDR zone, it is an allowed use so it does not require a special use permit only a site plan review. She states that the items that the Board can require on a site plan review are listed in the code and that the Board may be asking for a little bit more detailed information about the site plan. T. Yasenchak states that the applicant had mentioned at the last meeting that some of the product has to sit. After it is distilled, it does not get shipped right away. She asks how long it sits. S. Shishik states that his dream is to do a bourbon, which has to be, by law, aged for 4 years. He does not intend to make a lot of it and does not intend to age it on site. The site is small. He states that he has not done a lot of site details because all those things – surveys, etc. – cost money and he does not own the property. He loves that the slab is existing and kind of away from the road and in the center of the property. He was hoping to get the approvals and then get an engineer for the details and to tell him where the septic needs to go, etc. He does not intend to clear much more of the property than is already cleared. He has discussed solar panels for the future with NYSERDA.

(T. Siragusa arrives, 7:25 p.m.)

T. Yasenchak explains that if the applicant does a solar installation, he will have to come back for a change. She also explains that the details about the road, septic, etc. are all within the Board's purview for site plan review. J. Bokus states that he would like to see a plan showing the setbacks, which are required. T. Yasenchak explains that we do have a specific list that details what is necessary on a site plan. S. Shishik states that the setbacks are written in on the map he submitted. He states that he had asked the Board at the last meeting if there was other information they required. T. Yasenchak states that the Board did not have the comments from the Saratoga County Planning Board at that time. S. Weeks states that the applicant has the numbers of the setbacks on the plans, but the Board is used to seeing arrows from the lot lines to the structure and maybe that is where there is some confusion. He states that is not a huge deal to him but that is what the Board typically sees. He is ok with the numbers being on the map. The County's comments talked about the number of parking spaces being 4 and S. Weeks does not remember seeing that. S. Shishik states that he believes it is on the original application. S. Weeks states that the Board is used to seeing that on the drawing also. As to septic and water, S. Weeks does not know how necessary it is for him to spell out exactly where it is going to be at this point. B. Duffney states that he logged this property and he did show S. Shishik, a while ago, where all the pins were and the property lines. He believes that probably the closest neighbor would be N. LaDue to the east and she is not present. He states it would be up to an engineer to do the perk tests for the septic system. He asks if the applicant is going to have the water tested periodically anyways. S. Shishik states that the DOH will be requiring that. B. Duffney states that he spoke to Jim Case,

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another neighbor, who said that the slab is pretty deep where the tower was located. There is existing electric that comes in from the street. B. Duffney believes that what is on the map is correct for setbacks. A. McKnight asks if there isn't an odor from the spent mash, the fermented grains. S. Shishik states that if it sits around for a long enough period of time there would be, but he would contain it within a drum. J. Streit comments that the applicant is going to build on the slab. S. Shishik's states that he would have an engineer look at it and go from there. J. Streit questions what the nearest boundary would be in the applicant's estimate. S. Shishik states that it would be to the east. J. Streit asks if there would be any other activity outside of the building other than delivery of the product. S. Shishik states there will not be. J. Streit asks about a sign and lighting. S. Shishik states that he will not have a sign but will probably light the building due to the surveillance factor. J. Streit states that he very much liked the demeanor of the way that the public presented their questions, and that they asked good questions that do relate to their properties. M. Gyarmathy states that at the last meeting the applicant discussed some of the things that the other agencies are going to require such as lighting, alarm system, etc. S. Shishik states that the first permit he has to get is through the TTF, and they do not specify what the security requirements are but they mandate that you list them and they make the assumption that you will have a secured property. He states that he lives here as well and would rather err on the side of caution. He will have a security system with some exterior lighting, soffit lights, and that it will be fully alarmed. M. Gyarmathy states that for the benefit of this Board and the public it would be nice to see some more information on this site plan as far as a well and a septic, parking area, etc. B. Duffney questions that S. Shishik has done research on this and asks if there are fire hazards. Has he found other small operations such as this having had fires, explosions, etc? S. Shishik states that it is a volatile substance. He states that one of the meetings he wants to have is with the Fire Department before he begins construction. The actual operation is no more dangerous than cooking. He has visited many operations and is leaving tomorrow to go Kentucky to visit another. They don't explode; there is no pressure in the system. It is an open loop, there is no combustion. B. Duffney states that when S. Shishik speaks to the fire department they will want to know what is in the building so that they would know what they are dealing with should an emergency occur. S. Shishik states that he will provide everything that is required, he is very transparent. He lives here in Town and loves the community. The concrete slab is great, there is power there, he does want to try to eventually employ local farmers, use their knowledge base, etc. T. Yasenachak states that the Board wants to encourage business but we do have a list of things that do have to be done and it sets a precedent for a future applicant. T. Yasenachak asks what the fuel is for cooking. S. Shishik states that it will be electric and he is doing it that way because it is safer. T. Yasenachak asks if the TTF has any regulations on fire safety. S. Shishik states that they do not once they grant that federal permit. TTF is more concerned with taxes, etc. K. Camarro states that NY State Ag and Markets will provide a lot of essential, good information. There is a huge resource there. T. Yasenachak asks if at any time the distilling is not going to be supervised and that every time it is on S. Shishik will be there. S. Shishik states that is true. T. Yasenachak states that the only time that the building is not supervised is when everything is shut off and there may just be storage there. S. Shishik states that is true. T. Yasenachak asks the Board what they would feel would be enough information on the site plan for them to make a decision. J. Streit states that if the actual setback is 140 feet, that is almost three times the required amount, and if that is the nearest one, he does not believe we would require a survey of the land. We don't need topography, it is flat enough. J. Streit asks if there are going to be any other structures. S. Shishik states that there are none envisioned. T. Yasenachak states that as far as the Saratoga County Planning Board's comments, they did suggest that we ask for additional information. They asked about the parking spaces, any turnaround area, some specs on the driveway. She states that there are notes in the office that the applicant can get for the driveway and reference those so that we know that any driveway can support an emergency vehicle. We just need to see those notes as part of the application so that we know that is the applicant's intention. As far as sales and customers, that was discussed that the applicant will be taking it off site and will not be able to sell from this property or have customers come to the property because then it would not be agricultural processing. J. Streit states that the most stringent requirements in terms of the driveway and turn around area would be up to the fire department. If the Board had their input and they were satisfied, he would be satisfied with that. S. Weeks states that the driveway is a key issue with him. J. Bokus states that as to the location of the well and septic, that is going to be part of the building permit. T. Yasenachak states that for a building permit the

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applicant would have to have the building designed by a licensed engineer or architect and the same with the septic system and the well. The Building Department does require a site plan for that. T. Siragusa questions that there is any precedent regarding the setbacks to say that from where the cement pad is now, the known location from a previous project, can we base the waiving of spending money on the setbacks on a condition that it is built on the pad? T. Yasenchak states that would be up to the Board. T. Siragusa states that would be ok with him. He agrees that the driveway and the turnaround are important. B. Duffney states that he has space for 4 parking spaces. Since he has to come back with the map to show the information that Saratoga County has requested, he can show the 4 parking spaces on that. T. Yasenchak states that she thinks that what the Board is saying is that the applicant has addressed most of the questions, except that we need to see a little more detail on the site plan that would give us setbacks, the driveway dimensions, the turnaround and the County had questioned whether there is an actual curb cut approved by the County.

The public hearing is reopened at 7:50 p.m. Katie Camarro, Wilton Road, states that Greenfield needs to be proponents of agricultural development. She wants to give her endorsement on this project. She is completely confident that S. Shishik can get this job done. If someone is going before the ATF you are not going to mess around and they are going to be right on you. It is in his best interest to keep it on the record, you do not want to mess with those people. She feels that this is a great project, the zoning says that it is an acceptable use of the property, she does not think that any of the neighbor's object. She states that Wilton Road is 55 mph and that working with the County is very important. She states that we do have a precedent because she and Jeff Shinnamon were approved some years ago to have their manufacturing facility on their property. She feels that this is pretty simple and straightforward. She states that this is the hardest thing he will ever do, this is a hard job. There being no further public comments, this public hearing is closed at 7:54 p.m.

T. Yasenchak states that it appears that the Board is favorable towards the project, but we do need to see a little more information on the site plan as discussed. She states that it is maybe something that the applicant can put on himself. He should research the curb cut and that the Town will do that also. S. Shishik asks if the decision can be made outside of a meeting. T. Yasenchak states that the Board can discuss that and if that information was given we could do it by administrative action. J. Streit states that if the Chair is satisfied that the questions raised by the Board are answered, he would trust the Chair's judgment to make sure that all the points brought up are answered. T. Yasenchak states that then J. Streit is saying that he is comfortable with the Board making a decision contingent on the applicant submitting the remaining site plan details. Board discusses and concurs.

RESOLUTION – Serge Shishik, Site Plan Review

MOTION: J. Streit

SECOND: T. Siragusa

RESOLVED, that the Planning Board approves the application of Sergay Shishik for a Site Plan Review for property located at 324 Wilton Road (County Rd. 36), TM#126.-1-38.11, contingent upon:

- **Applicant providing a better detailed map showing setbacks of the structure; driveway notes with dimensions; turnaround area that would meet Fire Department's requirements; proof of a curb cut permit; proposed locations for septic and well**
- **The Board is approving this as there is an existing slab on the property so the Board has an understanding of where the building will be located, and the Board believes that the applicant has addressed all of the comments and concerns**
- **If all information provided is satisfactory, the Chair will sign the Site Plan Review**

VOTE: Ayes: Duffney, Gyarmathy, McKnight, Siragusa, Streit, Weeks, Yasenchak
Noes: None

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BLAKE BARRETT for AT&T – Site Plan Review
Wilton Road

Julie Krupa is present for the application and explains that the applicant would like to add a microwave dish, two radios and two feed lines to the existing tower. There will be no change to the height, no change to the ground equipment, etc. T. Yasenchak asks if this is replacing something or in addition to. J. Krupa states that it is in addition. Board has no questions regarding this application.

RESOLUTION – B. Barrett for AT&T, SEQRA

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Planning Board reviews the SEQRA and motion is made to check the second box that there will not be any controversy related to the proposed changes for the application of Blake Barrett for AT&T for property located at 422 Wilton Road, TM#126.-1-21.2.

VOTE: Ayes: Duffney, Gyarmathy, McKnight, Siragusa, Streit, Weeks, Yasenchak
Noes: None

B. Duffney questions why the SEQRA needs to be done on this project, as the tower already exists. T. Yasenchak explains that it is due to any possible visual impact. S. Weeks states that for another project they could be putting up a dish that is 4 times the size. T. Siragusa reiterates that there will be no change to the height of the tower. B. Duffney states that if they add on a few more times, they might need to add some cables for stability. T. Yasenchak asks how this is going to affect coverage. J. Krupa states that it should improve coverage, the microwave dish will amplify the signal.

RESOLUTION – B. Barrett for AT&T

MOTION: J. Streit

SECOND: B. Duffney

RESOLVED, that the Planning Board approves the application of Blake Barrett for AT&T for a Site Plan Review and waives a public hearing for property located at 422 Wilton Road (County Rd. 36), TM#126.-1-21.2, per the application submitted.

VOTE: Ayes: Duffney, Gyarmathy, McKnight, Siragusa, Streit, Weeks, Yasenchak
Noes: None

NEW CINGULAR WIRELESS

South Greenfield Road

Joe Papa, Esq., and Maryanne Terry are present for this application. J. Papa states that this is an existing 185' tower on South Greenfield Road on which AT&T collocated some years ago. They would now like to upgrade the 4G Long Term Evolution (LTE) service, which is the high-speed broadband service. In order to do that at this site they would like to add 3 more antennas and associated equipment. They would be the same size and height as the existing and would be mounted between the existing antennas. There would also be remote radio heads, which go behind the antennas and connect to the new fiber lines installed within the tower. There will be no ground disturbance and there will be new equipment placed within the existing building. M. Gyarmathy states that he believes that this is pretty straightforward. S. Weeks asks if there are any issues with birds. J. Papa states generally not but that Osprey do build their nests in the towers in certain areas and the nests can only be disturbed in certain seasons. T. Siragusa asks how long it takes from approval to someone actually installing the antennas. J. Papa states that it depends on how quickly they can get the materials that are needed. Sometimes the materials are not ready when they get the building permits. There could be a 90-day lead time or longer. Their goal is to get it done as quickly as possible. T. Siragusa

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asks if there will be any equipment coming out of the shelter when the new goes in. J. Papa states that there will be additional power consumption but it will run off of the existing electrical service. S. Weeks asks if this work will be done with a crane. J. Papa states that this will not require a crane. T. Yasenchak states that she has no issues.

RESOLUTION – New Cingular Wireless, SEQRA

MOTION: S. Weeks

SECOND: A. McKnight

RESOLVED, that the Planning Board reviews the SEQRA and motion is made to check the second box that there will not be any controversy related to the proposed changes for New Cingular Wireless for property located at 62 South Greenfield Road, TM#138.-1-92.12

VOTE: Ayes: Duffney, Gyarmathy, McKnight, Siragusa, Streit, Weeks, Yasenchak

Noes: None

RESOLUTION – New Cingular Wireless

MOTION: T. Siragusa

SECOND: M. Gyarmathy

RESOLVED, that the Planning Board approves the application of New Cingular Wireless for a Site Plan Review and waives a public hearing for property located at 62 South Greenfield Road, TM#138.-1-92.12, per the application submitted.

VOTE: Ayes: Duffney, Gyarmathy, McKnight, Siragusa, Streit, Weeks, Yasenchak

Noes: None

JAMES BRUCHAC – Special Use Permit

Middle Grove Road

Phaedra Stasyshyn and Joseph Bruchac are present for this application. P. Stasyshyn states that they are presenting this application with two requests. One is for the expansion of the current special use permit and the second is to add a licensed school age after school program. T. Yasenchak reviews that the original special use permit was granted in 1999 and re-approved in 2001. P. Stasyshyn states that the expansion being requested would be to all year round vs. October to March; Sunday hours would be changed to 12:00 p.m. to 7:00 p.m.; Monday thru Saturday hours would be changed to 9:00 a.m. to 9:00 p.m. and to 10:00 p.m. no more than twice per month. The number of employees shall not exceed 5. Groups of 75 or more must utilize buses; groups of more than 40 would be encouraged to carpool; camping groups must not exceed 50; groups larger than 20 cannot stay longer than 3 consecutive days and evening program participants not to exceed 75 one time per month. Changes to the previous contingencies would be: Average number of program days per week to not exceed 6; average number of guests per week not to exceed 300 and total event attendance may not exceed 100. The addition of the school age after school program would include hours of 3:00 p.m. to 6:00 p.m. with the number of participants to not exceed 30 and the number of employees to not exceed 3 for this program. This program will be licensed through the New York State Office of Child and Family Services (OCFS) pending approval from the Planning Board. This program will follow the Saratoga Springs City School District calendar and will only operate on days when school is in session. T. Yasenchak states that the Planning Board understands that State agencies often work slower than the Planning Board, so often when a decision is made; it is contingent upon an applicant getting the proper State licenses. P. Stasyshyn states that the OCFS suggested she request licensing for 30 students, but she is only planning on there being 12 at this time. T. Yasenchak states because this is a special use permit expansion a public hearing is required. A public hearing is set for May 14, 2013 at 7:00 p.m. T. Siragusa questions the change in the hours for Sundays. P. Stasyshyn states that since they are requesting to be year round and they really

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don't use it that much on Sunday, they took some hours away from Sundays. T. Siragusa asks if there is anything that the Board should expect as a complaint or issue from neighbors. J. Bruchac states that there were some issues in the first couple of years. The entrance used to be from Bruchac Drive, which was directly across from the house across the street so they moved the entrance to the parking lot so there are no longer headlights shining into the house. He states that they are friendly with the neighbors and have had no further issues. T. Siragusa asks if there is any new building construction planned. P. Stasyshyn states that they have more than enough space for their uses. She states that OCFS has already inspected the facility and approved it. Most of the after school program will be outside. T. Siragusa asks about signage and lighting. P. Stasyshyn states that it is all there, all existing. J. Bokus states that this appears to be a good project. S. Weeks questions how many cars the lot will handle. P. Stasyshyn states that there are approximately 35 spaces but they also additional parking on the grass. The lot is approximately 100-feet by 60-feet. T. Siragusa asks if there are any accommodations required for the buses. P. Stasyshyn states that they have buses coming in now for field trips and they do not have any problems. J. Bruchac states that most of the field trips are from the Saratoga schools and they are very specific about what is needed for the buses. B. Duffney states that he cleared the area where the community garden is located. Mr. Bruchac gave him a full tour of the place and it is unbelievable. He suggests that any of the Board members who have not visited should. Young people need something like the after school program. He feels it is a great project and he is 100% in support of it. A. McKnight states that if there have been no complaints in 10 to 12 years, he will be interested in the public hearing comments and how they respond to having basically double the traffic coming in and out of the place. P. Stasyshyn states that G. McKenna has said that over time it has already been that way, there has already been an increase over the 12 years, so it is not all of a sudden that there is going to be an influx. J. Bruchac states that their numbers are looking towards a maximum possible use. A. McKnight reiterates that it will be interesting to hear the comments regarding the increased numbers. T. Siragusa states that is a good point. It might be something to give the numbers during the public hearing, what the applicant thinks the actual traffic is daily or weekly today vs. 10 years ago, or 5 years ago, so that the public can see a progression, and then what they think it is going to be once the after school program is in session. P. Stasyshyn states that the after school program should not bring in more traffic as the kids will be brought in on a bus. T. Siragusa states that it would be good information for the applicant to present what the actual numbers are vs. what the projection is. J. Bruchac states that the property is completely screened, the view of the parking lot from the road, and on the other side they have an expanse of several hundred feet up to his uncle Jim Smith's house on the hill. The neighbors across the street have plantings in front of their house. He states that they also have partnered with other agencies to run their larger events at off site facilities. P. Stasyshyn states that most people still don't know that they are there. J. Streit states that he considers this allowing a town asset to increase its value to the community. M. Gyarmathy questions that there is parking lot lighting because the after school program is going to go from 3:00 to 6:00 p.m. P. Stasyshyn states that there is lighting on the building and 6:00 is the latest. M. Gyarmathy states that he thinks that the public is going to want to know what the size of the after school program is going to be like. P. Stasyshyn states that the maximum would be 30 children, but right now it will be 12 and two of those kids are hers. S. Weeks asks if they are classified as an educational institution. J. Bruchac states that they are, they are a 501-C-3. T. Yasenchak states that their original special use permit was for a blanket educational facility. She asks if the applicant could explain the comment that the parking lot had expanded a little bit over the years. J. Bruchac states that it is paved now and that there was no parking lot in 1999. He states that they have made changes to the parking lot in stages over the years. T. Yasenchak states that because we do not have too many paved parking lots in Greenfield, not many commercial spaces, but we do have requirements for parking spaces, landscaping, etc. She states that they do have screening and that the Town Engineer may have questions regarding how the drainage works, etc. S. Weeks comments on C. Baker's comments regarding the water supply. A copy is given to the applicant. P. Stasyshyn states that she has been in contact with DOH and that they sent her an e-mail that she was all set. T. Yasenchak asks if we can have a copy of that e-mail. She states that C. Baker's notes also indicate that the applicant should provide verification regarding the sanitary facilities and whether they are adequate for the additional use. P. Stasyshyn states that they rent port-a-johns for their larger events. T. Yasenchak states that this would be for the regular operation.

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DISCUSSION

T. Yasenchak points out the information in everyone's file regarding the upcoming Planning and Zoning Workshop for anyone who needs hours.

M. Gyarmathy states that he has concerns regarding what is being submitted for site plan reviews. He feels that based on the letter from the Saratoga County Planning Board, he does not feel that the Planning Board is asking for enough information from some applicants. He wants to see business in Greenfield succeed too, but he thinks that applicants need to provide the Planning Board with the information asked for in our book. He states that twice recently he feels that the Board has been very lax in this area and he thinks that everyone needs to think about that. He states that J. Bruchac has been in business for 12 years and M. Gyarmathy thinks that he needs to document what he has at some point also. Board discussion ensues as to what is listed in the Code for site plan reviews and special use permits. S. Weeks states that the County letter gives a fairly strong message that the Town needs more information. T. Yasenchak states that our Code does state that the Board 'may' require certain things whereas other municipalities' regulations say that you 'shall' have certain things. She reads from the code. There are some things that are not pertinent to each application. J. Streit states that this needs to be individualized based on the case. T. Siragusa states that he does not feel that anyone is coming in here and taking advantage of the Board. T. Yasenchak states that we will have to start trying to tell people at their initial meeting with the Planning Board what additional information should be on their plans.

The meeting is adjourned at 9:08 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary