

A meeting of the Town of Moreau Planning Board was held on December 16, 2019 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Ron Zimmerman	Planning Board Chair
Jerry Bouchard	Planning Board Member
Jerry Bouchard	Planning Board Member
John Arnold	Planning Board Member
Reed Antis	Planning Board Member
Erik Bergman	Planning Board Member
Mike Shaver	Planning Board Member
Peter Jensen	Planning Board Member

Also present: Jim Martin, Zoning Administrator; Karla Buettner, Atty. for the Town

The meeting was called to order at 7:00 pm by Ron Zimmerman, Chair. The Board reviewed the minutes of the October 21, 2019 meeting. The attorney for Z-Farm Brewery's name is Teressa Bakner, not Baker. Motion to approve the minutes as corrected was made by Mr. Shaver and seconded by Mr. Antis. Motion carries, all in favor with no roll call.

Rachael McDermott and James Czub
Z-Farm Brewery
Old West Rd
Public Hearing
Site Plan Review

Atty. Teressa Bakner appeared representing Z-Farm. Chairman Zimmerman asked for a presentation of background information and answers to questions raised, which would be followed by the opportunity for public comment. Atty. Bakner was joined By Dominic from CT Male & Associates. This is a farm brewery being built in an existing farm with some changes to the exterior-an additional porch. They will be adding a small taproom, which is around 700 sq ft and the rest of the existing building will be devoted to the brewing process. This is an M-2 Manufacturing Zone. Brewing is allowed in the district. because it is also a Farm Brewery under Ag & Markets law, it is allowed to have a taproom for beer brewed on site. This allows on site direct sale. The public hearing is for site plan review. They have provided a lot of information including an EAF and substantial environmental information. The applicant believes this to be a type II unlisted action, exempt from SEQR, because they are building less than 4000 square feet. Mr. Arico stated that the DOH is only involved in water uses with regard to the restrooms, and not the use of water for the brewing process. This can't be done until they have an approved site and can formally apply. It is mainly testing for bathroom sinks. The other issue raised was sprinklers. Building Code based on size, use and occupancy it is a group F2 low hazard occupancy, and they don't store any hazardous materials, so they are not required to have sprinklers. They were asked to look for similar breweries to get information about traffic. The applicant emailed hundreds of small breweries, heard back from 11 and can use the information from 7 that were generally

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similar to her operation in size and type. They found the actual number of trips during peak hours was less than the 54 trips that they had used in their estimates. So they feel comfortable continuing to use that number.

The next issue raised was about events. They sought out a list of events at similar breweries. They included live music once or twice a week; Thursday night game nights, snack provided or bring a snack to share; crafts around the holidays, pumpkin carving, new brew releases around the holidays, etc.

Atty. Bakner added that a DOH inspector had been on the site today to review the planned locations.

There were no concerns with the well other than a safety seal, and they had no concerns about the well or the use of the water. The tests Mr. Arico mentioned are the same any place would have to do to get a Certificate of Occupancy for any location or real estate transaction.

Mr. Arico was asked and the submission to DOH was made after the letter was submitted and that is why it isn't mentioned in the letter.

Mr. Antis asked whether the events were planned were for outside, specifically music and whether that could be amplified. Atty. Bakner stated that there are no limits on amplified music, and she couldn't say that there would never be someone playing music on the deck. She could say that they were aware of the noise limitations in the Town at the property line and that those would be adhered to.

Mr. Martin stated that the food truck events in Glens Falls are hundreds of people and 8 food trucks.

Atty. Bakner stated that they are not doing anything like that. No one is allowed to bring their beverage outside. Mr. Martin said that they just need an idea of scale since there is so much possible outdoor space. Mr. Martin had visited a website for a Vermont brewery, and they had events almost every night, as well as food trucks being there commonly. They are complimentary services. But the Board needs to know the full scope and magnitude of what they are planning.

Atty. Bakner pointed out that they are limited based on parking, and that they are limited by Ags and Markets and other factors.

Mr. Martin asked whether it would be fair to say that there wouldn't be music out on the grounds. Atty. Bakner stated that they are not planning any temporary stage setups.

Mr. Antis stated that he wanted to know how big the events were going to be, stating for example 500 people. Atty. Bakner stated that they have 3.75 acres, a 700 sq. ft. taproom, and 35 parking spaces. They have supplied traffic numbers. He asked whether they wanted a corn maze. Ms McDermott stated that they would not.

Mr. Arnold asked what a well safety seal is and it goes on the cap to make sure nothing goes in that shouldn't. He asked about the proximity of livestock. They are planning to move the proposed paddock that is on the plans, it was just a potential space. They will show a 50 ft. exclusion area with a dotted line.

Mr. Arnold asked about the limits placed by Ags and Markets on the amount of beer they sell. They are not supposed to make more than a certain percentage of gross income on non-farm products. Mr. Arnold thought it was 51%. Ms. McDermott stated that they can't gross more than 30% of sales for one night on

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non-farm products. 51% of the ingredients in their beer has to come from their farm. That is to have the farm brewery designation. They can also sell other farm brewery products that are licensed the same way. Mr. Arnold asked whether they plan to have alcohol consumption limited to inside the building and if so what is the porch for. They do plan to allow drinks on the porch. Atty. Bakner stated they will follow the rules, whatever they are. People will not be setting up picnic blankets on the lawn.

Mr. Arnold also asked about sight lines being measured from 42 inches off the ground. Mr. Arnold went there and looked. He felt the visibility was good from his truck in one way, and he couldn't see anything where the driveway was supposed to go. Mr. Arico pointed out that they use something that will be the height of a car when they check to see if it can be seen. This is very different from sitting in one's car without that aid. He is sure you can see it.

Mr. Arnold thought that they should have a maximum capacity limit. It is already limited by parking, but it is not unreasonable to ask for that limitation.

Atty. Bakner stated that the building and porch will already have a max cap set by the building inspector when they get their Certificate of Occupancy. Why would they need another one?

Mr. Arnold suggested No Parking signs on the street. There are places in the Town where there are cars parked up both sides of the road and it is a safety concern.

Atty. Buettner stated that the applicant can't decide to post No parking signs, and this Board can't designate it either; it is a Town Board decision which requires a local law to be passed. Mr. Antis suggested that a recommendation be made to the Board. Atty. Bakner said that they would check with Ags and Markets.

Question was raised about wastewater. They plan to have their tanker truck there when they are brewing so that they can pump waste straight into it. Mr. Antis asked what they will do if it overflows and how that will work in below freezing temperatures. Mr. Czub stated that they do not make enough in one session to overflow the tank. When they do pump the temperature of the product is 90-100 degrees, so this keeps the pipes warm and freezing is not an issue. They do not keep it onsite when it cools. Mr. Antis asked where it will go and Atty. Bakner said it will go to a licensed DEC facility. They have not chosen a vendor yet. There will be catchment underneath the connection point, and Chairman Zimmerman asked that that and the truck traffic pattern through the site should be shown on the plan.

Jim has that layout, but it didn't arrive in time for the members to get copies for tonight.

Mr. Antis asked whether they had decided on their equipment size yet and Ms. McDermott stated that they had assumed a ten barrel brewing size for the sake of keeping their estimated conservative. The 3,000 gallons need, etc were all based on the ten gallon. About 1200 sq ft is going to be committed to the brewer.

Mr. Antis asked and the trucks are tractor trailers, and they do not back in or out on the road. They go in one drive and out the other. Discussion followed about the traffic pattern and the need for turn radiuses. It has a different wheel base. It is a milk truck like you would see at a dairy.

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Question was raised about bathroom and how they had decided to have one unisex room. Mr. Arico stated that it was based on size of the facility and that if they wanted another they would look to add one and would not use portables. The amount of toilets would be based on State building codes. Mr. Antis wanted to put that on the plan, but Atty. Buettner explained that they are legally obligated to do it and won't get a certificate of occupancy without it. There is no reason to restate it.

Chairman Zimmerman opened the public hearing at 7:42 and stated that people would be allowed to speak in the order in which they had signed in, and then those that had not signed could speak. The applicant would be allowed to respond to the Board. All comments should be limited to 5 minutes. This is not an opportunity to debate.

Margaret Durka 13 McQuarry way is concerned about road safety. She brought satellite images of farm breweries in the County and they were not on public roads, they were on access drives. She brought the pictures for the record. A similar brewery is going in on Route 20, but there were no farms or houses nearby but it is flat. They use propylene glycol to prevent freezing, and that could leak and be a health hazard. She stated that she is concerned about the rural road as well as patron noise.

Joyce Cole, 70 Thomas Road, it feels like the applicant is not taking the neighborhood into account and trying to make something that appeals to the neighborhood. If they can only serve 35-40 people at a time, the Board should limit the number of people that can be served. She is also concerned about the distilled spirits that might also be served. Old West Road is hilly and narrow with limited visibility. There are elderly and very young residents among the immediate neighbors. Large trucks are not a good fit. Music events will disrupt the rural lifestyle. As a tasting room surely drunk driving will become an issue. The research has been poor and the restroom facilities and water flow are inadequate. The Town is not protecting residents whose well will be drawn down. A full traffic and water study should be done.

Eleanor Stein, 210 Washburn suggested that this should be renamed after Mr. Potter from the *It's a Wonderful Life* Christmas movie, because all they want to do it make money. It will ruin their property values by drawing down wells and polluting water. The Board should not just listen to what the applicant is telling them but do their own research and studies. They shouldn't let the applicants rush the process.

Harvey Stein of 210 Washburn Road wanted to know more about what fire suppression will be needed on the site. If there were a fire there the smoke would carry over the Northway and be hazardous. Food Trucks must be better defined. Hemp production might bring CBD products. The rural tradition and character of the Town will not be kept intact with this development.

Beverly Stevens, 243 Washburn Road shared the same concerns about the road/traffic. She already has traffic and noise from the National Grid facility next door. With these and school buses there will be no quiet hours. She has lived there since 1940 and seen two deaths on the top of that hill.

John Donahue, 23 Cedar Lane. He is in favor of this project. They will improve a property and use agricultural land that. They are following the laws. Drunk driving has happened before and will happen again whether there's a brewery here or not. Not everyone drinks at a bar. It's a societal problem. In the 80's there was a bar in Gansevoort off of Route 50 and there weren't traffic problems or drunk drivers

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then. These people want to come in and be good neighbors, and they have answered to the Board. This has been a good process.

Tom Hansen 5 ? Road. He's in support of the idea. He's been to similar places in the Finger Lakes and the local businesses have all grown based on the other business that spring up in the area. The Finger Lakes have managed the traffic even with Amish buggies on the road. The newspapers are not full of DWI accidents. They have a clear business model and the demographic they are trying to reach is not a bar crowd that sits and drinks and then drives.

Dan Hopler, 77 Old West Road. This location layout is dangerous. The hill, the narrow road and the increased traffic will result in accidents, especially late at night. People walk, bike and ride horses there and this will not fit in. The road should be widened with turning lanes, a yellow light- at the top of the hill and a 15 mph speed limit. Look him up on Youtube.

Carl Donaldson of 109 Saratoga Road is a fan of small businesses as he is starting one himself. He feels the intersection is very dangerous and it needs to be redesigned and perhaps have some flashing lights. He is also concerned about the water table & pollution. He would also like to know why they were never notified that there is a pump station that would allow them to have natural gas and save a lot of money.

Marion Hodgson 311 Old West Road feels that the neighborhood resident's concerns and safety have not been considered. She knows that they have all the rights to a business but the local residents also have the right to be safe. She is also worried about her water, and legal resource if something happens. She wants to know that Town officials are supportive. They will need increased law enforcement presence. There are bikers and runners in the summer who won't be safe.

John McDermott, the applicant's husband, stated that he is concerned about the feeling that neighbors have been disregarded. They really want to be good neighbors. As a family farming, they need support to diversify. This is a great opportunity. This is a Right to Farm Town. This is State law. That's there to give farms the best chance to survive, that that is their goal too. He hopes that those with concerns will reach out to them directly and they can work to solve them.

Shawn Sharon, 297 Clark Road, has lived in this town all his life. In amazon world, businesses leave small towns. We need something like this to bring people into Town. Yes, there will be an uptick and traffic. Yes, the curb is nasty and needs to be fixed and cut differently. But that isn't the McDermott's problem. He's had some of their beers. It's a brand he enjoys. At the end of the day, this isn't about cheap beer. It's not to get wasted. People come from a distance to do to small breweries. It's a vacation. The things people are afraid of aren't going to be happening and he is excited about it.

Cindy Kennedy, 270 Old West Road. With all the other stuff that was proposed in the building, will that all come around when time passes? She's not too concerned about the brewery, but everything else that they had suggested.

150 Old West Road, one of the closest neighbors, thinks that this is a public health and safety concern. It is a hilly country road that begins with a hairpin turn. Her neighbor was killed in head-on collision right in front of her house. Most people in the immediate area don't want this approved, and their concerns should not be ignored.

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Stephanie Oakley of 325 Old West Road brought accident reports about the accidents on her property that took out her children's slide. She has a responsibility to look out for her kids, no one else is going to do it. She was the one who cleaned up the broken glass. She told about the accident on August 3rd when a man hit a tree and broke his windshield. Her kid's bus stop is right here and alcohol shouldn't be added to this situation. The hours start before her son is home from school.

Chairman Zimmerman commented that the photos provided would be on the table so that anyone could see.

Carl Donaldson said that Mrs. Oakley should be able to have a barricade on her property maybe a 6 ft concrete wall to stop that from happening, and she shouldn't need a building permit.

Czub, Farm owner. They have been owners of the farm since 2016, they are quite familiar with the road and neighborhood. They want to continue farming. He raised daughters locally. They got older and started wondering how they could continue all that they had done. The number of farms in Town is decreasing or the size of each farm is too. The future is unknown. They were growing corn and soybeans for dairy farms that might not be there in a few years. They put in soil improvements, but National Grid came in and said they had to lease land to them for the natural gas project. This is the track that his daughter thinks is best to move forward as they hand this down to her. Does anyone remember the horsetrack that was there for 25 years, they shot sheet, did target shooting, etc. He doesn't feel that there is going to be the impact people are talking about.

Martin Oakley, Stephanie's Dad, 2 Moreland Avenue. The grandchildren mean everything to them, and sometimes they have family functions in the yard there where these accidents have been. he also asked whether there will be no food served at the brewery? Chairman Zimmerman corrected him that they have to provide small snacks with the drinks, as well as possibly having food trucks. Mr. Oakley continued, stating that these are IPAs and as such they have a higher alcohol content than normal beers. Then people have two or three. They may be doubling their space with the porch, so people are going to take their drinks outside, and the Board should really look at that.

Christian Ryan 36 Rip Van Lane stated that NY used to be at the center of brewing in this country so this is a return to tradition. He teaches brewing at the community college and his students have been successful opening breweries. They strive to be great members of the community and not a place where people pound beers. The alcohol content is 3-4% and Bud Light is 5.5%. Propylene Glycol is in almost all packaged foods. It is FDA regulated and safe, but the generator will run about 25% of the time. Traffic wise, many are on rural roads away from city centers. He can't speak to the operating standards of other institutions, but they will be training staff to know when someone has had too much and how to cut them off.

Ms. McDermott spoke about how her family had been good stewards of the land long before they bought it in 2016. They have gone above and beyond as a team to answer the concerns raised in these hearings. She reached out to everyone who signed a petition and left contact information, and she offered them a meet and greet so they could ask questions. She doesn't appreciate the accusations that she doesn't care about the neighbors. She's expecting; she wouldn't want to have cars in her yard either and if she had

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seen it she would have helped clean up the glass. They are building a place to gather. They don't want to contaminate the soil, the farm is their livelihood and they want to take good care of it.

Farms are shrinking in NY and selling out, and they are taking a product they grown and changing it into something that has more value. Yes they want to make money. No one goes into business to lose money. They have done a lot of research to build something that will be successful.

This is no different than a dairy farm producing ice cream or cheese. Moreau is the right place to have this operation.

Chairman Zimmerman asked whether the attorney for the applicant or the engineer had any comments in response and they did not. Chairman asked the Board for additional comments or questions and Mr.

Arnold asked about the food trucks and where they would be located. Will they be creating food on site?

Ms. McDermott said that they had reached out to DOH about it and they are considered a vendor and have a license. Because they don't use the farm's kitchen, water or other facilities, they are separately permitted and have to have one for each County where they operate.

So where would they be? In the parking lot, probably closer to the road but not in the handicap parking spaces.

Mr. Antis thought that he couldn't see why they would make beer once a week. Mr. Ryan said if he had a ten barrel, it takes 21 days to turn a tank if he brews a lager. An ale takes 14. He brews what sells. If he brews once a week and makes 20 half barrels that is a significant amount of product. Mr. Antis argued that it is not. The brewer offered to rephrase. Chairman Zimmerman told Mr. Antis that this issue is not the purview of the Board.

Mr. Shaver asked about the Route 9 intersection and Atty. Buettner said that concerns about that, while relevant, should go to the Town Board and concerns about the school bus should go to the school. The comments about noise at the cement place should be addressed to the Town Board. None of that can be addressed by this Board. If trucks are noisy in the morning they should call the Zoning office for enforcement, and Mr. Arnold stated that the garbage trucks are supposed to go the other way, and they should call the Town Supervisor, possibly the Supervisor of Wilton because that's where Hiram Hollow is. They are not supposed to be going out to Route 9 on Old West Road. The more calls the better.

To the parking, Mr. Arnold asked what recourse they have if they can't put signs on the road.

Atty. Buettner said that the Town Supervisor and Highway Department could be consulted, but ultimately be happening.

Mr. Arnold brought up the snowmobiles that would be crossing the road there and said he wasn't sure how it could be controlled. They have permission for the National Grid right of way but not to cross the property.

Chairman Zimmerman asked if the Board was ready to move on. Mr. Arnold motioned to close the public hearing at 9:02pm and Mr. Jensen seconded. To the motion, all in favor motion carried.

Chairman Zimmerman asked to reviewed the points of concern.

Mr. Martin brought up the concerns for a water study. At the last meeting the Board had voted about whether additional research on water was needed and decided not to. Water and traffic were the biggest

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public concerns. There was a traffic analysis prepared by CT Male. There were no major degradations of service. He felt that a separate food truck parking area and snowmobile parking area should be shown since there are concerns.

Sprinklers, and events were addressed. There remains the question of setting a max cap. As far as road safety, a recommendation to the Town Board for a safety investigation could be made.

Mr. Arnold said that there used to be a road where they have the driveway on the Oakley property. The State decided that the intersections should be opposite each other, so they put the 90 degree bend in to make Old West Road meet South Road. That has always been a problem. That should be brought to the Town Board or Highway Department, and the Transportation Director for the school district.

Mr. Antis asked if they would consider not having events during school hours or before most kids were home at 4:00. Ms. McDermott stated that there is already a framework in place to protect people.

Chairman Zimmerman stated that elements sought on the final annotations are the safety seal on the well, that there be no livestock within 50 ft of the well with a line on the map, that the applicant will speak to Ag & Markets about the capacity they would ascribe to this application. They will come back with that for the events, as the building capacity is per the building dept.

Location of the truck and secondary connection for the wastewater truck. Pathway in and out for the truck. Parking for the food trucks as well.

Mr. Arnold had pointed out that each parking space has to be a minimum of 200 sq ft.

After occupancy is established, the right number of lavatories has to be clarified. Atty. Bakner clarified that they will comply with the building code.

Chairman Zimmerman asked what would happen if they don't get the license they wanted. The project would end.

Mr. Arnold asked whether music was being limited to the building and the deck. It was determined that it had to be non-amplified music. There is nothing in Ag and Markets that says that. Mr. Martin wasn't sure where that had come from. Mr. Arnold was making a different point. The applicant would like some flexibility to use the lawn. They don't know enough about who they might have making music. Mr. Arnold said that the campground near him had been playing music all of a sudden and disturbing the neighborhood and he wanted to prevent something like that.

Atty. Bakner stated that the Town has a good noise ordinance. They will have a better answer after they find out about the Ag & Markets rules and capacity. They will do what is allowed.

Mr. Jensen said that it currently says regarding events, any number and any duration. The Board has not discussed or determined that. Nothing can be enforced if it isn't discussed and approved.

Mr. Arnold suggested they define 'event.' Atty. Bakner stated that they have provided a list of possible events, and are not proposing anything outside of the regular hours of operation. They can't say now what they are and are not going to see work well and want to do specifically in the future.

Ms. McDermott stated that they were trying to attract people to the farm and any limits would be counter to that. Mr. Martin stated that he is mostly concerned about events that take place outside.

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Atty. Bakner pointed out again that the scope can't get very big because they are limited by the size of the room and the parking.

Mr. Arnold asked of activities going on on-site has to be contained in the development window.

Atty. Buettner stated that Ag & Markets has a formula for incidental events that guide their events such as wedding receptions, too.

Chairman Zimmerman asked if Atty. Buettner could draft a resolution regarding this and she offered to do two resolutions, one to approve and one to deny. They have 35 days from the date of the public hearing to issue their determination.

The January meeting had been moved back to the 27th to accommodate a holiday.

Chairman Zimmerman asked whether Atty. Buettner agreed that this is a Type II action that does not need environmental review and she did.

Chairman Zimmerman asked for a motion to that effect. Mr. Antis motioned and Mr. Bergman seconded. Mr. Bouchard called the roll. Mr. Bouchard, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Bergman, Yes; Mr. Jensen, No; Mr. Shaver, Yes, Chairman Zimmerman, Yes. Motion carries.

Mr. Martin read the Ag & Markets definition of events for the Board including that they must feature the beverage produced on the farm, etc. It can't be more than 30% of sales.

Patten Property Development
Maplewood Parkway
3 lot Subdivision
Preliminary Review

The are under contract to buy a property that the church has owned since the 1970s when Maplewood Parkway wasn't there. The church built their education wing and then the parkway came through. they constructed a pastors residence. The applicant is purchasing 2.4 acres leaving the church on 5 acres on the West side. They plan a 4-lot subdivision. It is flat.

Mr. Martin stated that this is the most straightforward subdivision he has ever seen.

They have done soils information and it was very fast but it doesn't need to be amended. The church owns the separate parcel that the pastor's residence is on, it is not the Habitat home.

Mr. Jensen asked if the presenters client was a developer and he is, he in under contract with the church.

Atty. Buettner disclosed that she represents the church at the closing and Mr. Bouchard disclosed that he is a 27 year member of the church.

Mr. Arnold asked and the propane access point shown on the map will be addressed to get the utilities on the appropriate parcels. Mr. Martin stated that he had seen it when then they did a previous two lot subdivision.

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Mr. Arnold motioned to set a public hearing for January 27th at 7:01 and Mr. Antis. All in favor, motion carried. Mr. Martin advised the Board that they will probably be asked to combine preliminary and final in one hearing. They will do that at the next meeting.

Mr. Martin stated that everything is in place as far as he is concerned. They should write a letter for preliminary and final to be handled together, and the applicant should put up the required signage.

John Smith
Absolute Auto
1569 Route 9
Site Plan Review

Mr. Smith was not present for the issue.

Chairman Zimmerman reminded the Board that the Planning and Zoning Conference is coming up and the members should sign up through Kathy Perez.

Motion was made by Mr. Antis and seconded by Mr. Shaver to adjourn at 9:57 pm.

Respectfully Submitted,

Tricia S. Andrews