

**TOWN OF PATTERSON**

**PLANNING BOARD MEETING  
September 27, 2007 *Work Session***



**AGENDA & MINUTES**

	<b>Page #</b>
1) <b>Charalambous Wetland Permit Application – Public Hearing</b>	1 – 3
2) <b>Frantell Site Plan – Request for Extension</b>	3 – 5
3) <b>CWCWC – Presentation</b>	5
4) <b>Wireless Edge Telecommunications Tower – Continued Review</b>	6 – 8
5) <b>Papitto Site Plan - Continued Review</b>	8 – 11
6) <b>Patterson Machinery, Inc. – Filler Permit, W/W Permit</b>	11
7) <b>Other Business</b>	
a. <b>Dunning Subdivision – Request for Extension</b>	11 – 12
b. <b>Keasbey Subdivision – Request for Extension</b>	13
c. <b>Barjac Realty – SEQRA</b>	13 – 14
d. <b>Patterson Crossing Discussion</b>	14 - 30
8) <b>Minutes</b>	

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**TOWN OF PATTERSON**  
**PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**  
Howard Buzzutto, Chairman  
Mary Bodor, Vice Chairwoman  
Marianne Burdick  
Lars Olenius  
Martin Posner

**PLANNING BOARD**  
Shawn Rogan, Chairman  
David Pierro, Vice Chairman  
Michael Montesano  
Maria Di Salvo  
Charles Cook

**Planning Board**  
**September 27, 2007 Work Session Meeting Minutes**

Held at the Patterson Town Hall  
1142 Route 311  
Patterson, NY 12563



Present were: Chairman Rogan, Board Member Montesano, Board Member Pierro, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:31 p.m.

Michelle Russo was the secretary and transcribed the following minutes.

**1) CHARALAMBOUS WETLAND PERMIT APPLICATION – Public Hearing**

Chairman Rogan stated okay, now last time we were told that it was Charalambous wetland permit application, we are having a public hearing. It sounds like they are going to let us know about the fence issue. The other, the wetland permit application and the site issues we were pretty much in agreement on, it is just a matter of resolving the fence issue. Does anybody have anything else that they want to discuss on that.

Board Member Pierro stated no.

Board Member DiSalvo stated it is pretty.

Board Member Pierro stated as long as they are clear on what they are doing when they come.

Chairman Rogan stated okay.

Board Member Cook stated what about your letter, Rich, any response to the points, applications fees or anything else been received by your office.

Board Member DiSalvo stated I guess they wouldn't pay everything in full unless it was approved first.

Rich Williams stated if there is an outstanding application fee, I will double check on that, I haven't checked on the application for awhile, we'll pursue that.

Board Member DiSalvo stated there is more after.

Chairman Rogan stated are you saying that part of the application for a wetlands is, part of it is the application fee and then part of it is based on how much area they are impacting or.

Rich Williams stated the whole application fee is based on the area that they are impacting, or rather the impervious surface that is going in the buffer and/or the wetland.

Chairman Rogan stated so then if through a wetlands application, the Board had discussion with the applicant that amended their application, it could then potentially amend their fee.

Rich Williams stated yes.

Chairman Rogan stated okay, fair enough.

Board Member Cook stated aside from the fee too, I mean like Rich points out that the application must be amended to reflect a garage at the north of the house, it doesn't show the parking area and driveway being extended if (inaudible).

Rich Williams stated in that regards Charlie, there were some conflicts with the plans, they actually showed two different things within the plans, we have since clarified that, so that is not an issue anymore.

Ted Kozlowski stated hey gang.

Board Member DiSalvo stated pull up a chair.

Chairman Rogan stated how are you doing Ted.

Ted Kozlowski stated big game tonight Shawn.

Chairman Rogan stated what's that.

Ted Kozlowski stated big game for you tonight.

Chairman Rogan stated who.

Ted Kozlowski stated Virginia and South Florida.

Board Member Pierro stated alright.

Chairman Rogan stated tomorrow night.

Board Member Pierro stated tomorrow night.

Ted Kozlowski stated I thought it was tonight.

Chairman Rogan stated I wish it was tonight, no, its tomorrow.

Board Member DiSalvo stated hopefully it stops raining down there.

Chairman Rogan stated tomorrow night.

Board Member Montesano stated they play in the blood and the beer.

Chairman Rogan stated it is going to, yeah, okay.

Rich Williams stated hi Ted.

**(2) FRANTELL SITE PLAN – Request for Extension**

Chairman Rogan stated okay.

Board Member Pierro stated on tape.

Chairman Rogan stated Frantell we have a request for an extension, Frantel Development.

Rich Williams stated he called you [to Ted Kozlowski].

Chairman Rogan stated looks like it is due to some, it looks like it is due to getting some permits through the Health Department. They are looking for 180 day extension, does anybody have any problem with that. Anyone want to do that.

Board Member Pierro stated it sounds a little excessive.

Board Member DiSalvo stated when (inaudible – too many speaking).

Rich Williams stated who is.

Chairman Rogan stated Frantell.

Board Member Pierro stated Frantell.

Board Member DiSalvo stated Lou Pescatore, the property on [Route] 22, is that the one.

Board Member Pierro stated 180 days.

Ted Kozlowski stated he is still around.

Board Member Pierro stated yeah.

Board Member Cook stated this is incorrect, which it appears would extend the approval until December 26<sup>th</sup>.

The Secretary stated he was in today.

Board Member Pierro stated that is not 180 days, right.

Rich Williams stated no but that is what he needs.

Board Member Pierro stated he needs until after January.

Board Member Cook stated no, December.

Board Member Pierro stated okay.

Chairman Rogan stated it looks like they figured the date on a 60 day extension or maybe even a 90 day.

Board Member DiSalvo stated maybe it is a second 60 day.

Rich Williams stated they are 67 days short right now.

Chairman Rogan stated okay.

Board Member Cook stated how come we (inaudible- too many speaking).

Board Member Pierro stated I see no problem with it.

Chairman Rogan stated the project is moving forward.

Board Member Cook stated can we extend it, to a particular date as opposed to the number of days.

Chairman Rogan stated yes.

Rich Williams stated yes.

Chairman Rogan stated absolutely.

Board Member Montesano stated he's got 67 days, if you gave him 90 days that would be more than sufficient, 180 days I think would be an over abundance.

Rich Williams stated 90 days barely gets him to the next meeting.

Chairman Rogan stated what you are saying is that they are being on their. So 180 days does get them to December, is what you are saying.

Board Member Pierro stated oh I understand now.

Chairman Rogan stated okay, anyone want to do that tonight.

Board Member Pierro stated okay, we'll leave it at 180. Yeah, I'll make a motion on Frantell Site Plan that we grant an extension for 180 days.

Chairman Rogan stated can I have a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Chairman Rogan asks for any opposed.

Board Member DiSalvo stated so what would be the last day of that.

Chairman Rogan stated December 26<sup>th</sup>. Motion carries.

Board Member DiSalvo stated okay.

### **(3) CWCWC – Presentation**

Chairman Rogan stated okay, next item, Croton, what is acronym, CWCWC.

Board Member Pierro stated Croton Watershed Clean Water Coalition.

Chairman Rogan stated thank you.

Rich Williams stated yes.

Chairman Rogan stated it doesn't roll off the tongue too easy.

Board Member Pierro stated yeah.

Chairman Rogan stated I like the acronym FroGs, is a little easier. They are going to do a presentation, they said about ten minutes or so.

Rich Williams stated yes.

Chairman Rogan stated and then if the Board has any questions, certainly we will take care of that.

**(4) WIRELESS EDGE TELECOMMUNICATIONS TOWER – Continued Review**

Chairman Rogan stated Wireless Edge Telecommunications Tower, Rich, what are we.

Rich Williams stated well they resubmitted their plans showing the Town property line, I have given you a memo and at this point I think that the Board should just refer them to the Zoning Board of Appeals. There are still two outstanding issues, even though they showed the property boundary, the PLCC property boundary, they continue not to show metes and bounds descriptions and a boundary survey which is typically what we go off when we are doing Zoning Determinations, is a plan done by a surveyor that shows metes and bounds bearing the distance descriptions. They are not doing that.

Board Member Pierro stated I thought that it was pretty clear that we were asking for that at the last meeting. Why aren't they doing it.

Rich Williams stated probably because it is going to cost them money and they aren't sure about the Putnam Lake Subdivision, there are a couple of different reasons. I would imagine.

Board Member DiSalvo stated because we mentioned about them not coming back to us until that was.

Board Member Pierro stated I don't recall that.

Rich Williams stated I would imagine that the ZBA [Zoning Board of Appeals] is going to require them to do a metes and bounds description certainly.

Board Member Pierro stated okay.

Rich Williams stated the other issue is, the structures on the site, they are still maintaining that they equipment shelters are accessory structures but you know my opinion is that they are principal structures, they are not like a shed.

Board Member Pierro stated there is nothing else there.

Board Member DiSalvo stated an accessory to what, one of the other buildings.

Rich Williams stated exactly.

Chairman Rogan stated right.

Rich Williams stated so again that is something that the ZBA [Zoning Board of Appeals] can very clearly say, this is the way we are interpreting the Code and this is how it is going to be applied.

Chairman Rogan stated Rich, what.

Board Member Pierro stated is the ZBA [Zoning Board of Appeals] going to be made aware of our needs on this as.

Rich Williams stated they get my memos yeah.

Board Member Pierro stated okay, fine.

Chairman Rogan stated Rich, what about the City of New York's determination that they won't allow, "telecommunications base prohibited at this location" because it is within 100 foot of the water.

Rich Williams stated well it is certainly something that I raised to them early on in the process, that it is impervious surface within the limiting distance and not permitted by New York City regulations, they have maintained right along that they have that issue all addressed and it is not a problem. You know, ultimately they go through our whole process.

Chairman Rogan stated we'll discuss that at the meeting.

Rich Williams stated get approved and yet are still denied by New York City, well that is the way the process is going to work out.

Chairman Rogan stated the issue I wonder, is why they propose impervious, why they can't put in gravel or grass pavers or some other.

Rich Williams stated they are putting in a gravel area but eh concrete base under the tower and the concrete bases under the equipment shelters.

Chairman Rogan stated general footings.

Rich Williams stated or the equipment shelters themselves.

Chairman Rogan stated impervious.

Board Member Pierro stated impervious.

Rich Williams stated yeah, impervious area.

Board Member Cook stated if this is not approved by the DEP, do we still go forward with our process.

Rich Williams stated our Code says that you have to have everyone else's approval so you could approve it conditionally with one of the conditions being they get DEP approval or a variance from the standards but could you actually sign a plan, you couldn't sign a plan unless DEP approved.

Board Member Pierro stated right.

Board Member Cook stated so they have already said that this is prohibited.

Rich Williams stated right, there is a variance procedure where if the activity is prohibited, that they could pursue.

Chairman Rogan stated so just because the City is saying it is prohibited, that doesn't mean that they won't allow it.

Board Member DiSalvo stated right.

Chairman Rogan stated they may very well be giving them the information to say you have to seek a variance, they just don't come out and say it, which might be.

Board Member DiSalvo stated I'm sure that they have dealt with this in New York City before you would think, out on Staten Island.

Board Member Pierro stated I have no problem with sending it over, referring it to the Zoning Board and let them spin their wheels with it for awhile.

Chairman Rogan stated what are you saying, we have bigger projects to consider at this time.

Board Member Pierro stated yes, definitely.

Chairman Rogan stated anything else on Wireless that anyone wants to talk about. Okay, moving on to Papitto.

#### **5) PAPIITO SITE PLAN – Continued Review**

Chairman Rogan stated we have a new plan on them and we have colors.

The Secretary stated yes.

Board Member DiSalvo stated for the building.

Chairman Rogan stated hunter green.

The Secretary stated yes and then the second page is the stucco.

Chairman Rogan stated and dark buff, that's nice but then what do I know, I am not a color person, I will defer to what the rest of the Board thinks. Green is one of my favorite colors though, so it is hard to.

Board Member Montesano stated you just like money.

Rich Williams stated (inaudible).

Chairman Rogan stated I'm sorry.

Ted Kozlowski stated we are making nice.

Board Member DiSalvo stated it will blend in with the tree line in the back. Did he decide what type of material it was going to be, the hardy plank.

The Secretary stated I think it is the stucco because the second page is a stucco style, a stucco type.

Board Member DiSalvo stated they are doing a lot of this over metal buildings in Dutchess.

Chairman Rogan stated that was quick.

The Secretary stated no, that was Dave hitting my microphone.

Rich Williams stated is it still going.

The Secretary stated yes.

Board Member Montesano stated give him three demerits and let him walk outside.

Board Member Pierro stated it just beeped, it just beeped.

Rich Williams stated the second sheet is the stucco on the building, the first sheet is the.

The Secretary stated the trim.

Rich Williams stated the roof color.

The Secretary stated oh, that's the roof color.

Board Member DiSalvo stated oh okay, so that will be metal, he going with the metal.

Chairman Rogan stated oh okay, I like that. I think that those metal roofs look sharp, I really do, they are nice.

Board Member Montesano stated all those Katrina houses, they are all made with metal roofs.

Chairman Rogan stated I'm sorry, what was the first part of what you said.

Board Member Montesano stated Katrina, the storm, Lowes engineers came up with a design so that they could sell you an entire package, different designs for different houses and all of them have metal roves, so they could sit there and listen to the chickens tapping on the roof.

Board Member DiSalvo stated you can hear all the rain hitting it.

Board Member Montesano stated no, not any more they are all insulated.

Chairman Rogan stated Rich we don't have a review from you on Papitto, do we, yet, most recent.

Rich Williams stated I have not gotten to Papitto yet.

Chairman Rogan stated will Gene also being do a review on this latest set of plans.

Rich Williams stated Telecom.

Chairman Rogan stated no, Papitto.

Rich Williams stated Gene gave you Papitto tonight when he came down.

Chairman Rogan stated I knew I had something on this.

Board Member DiSalvo stated yes.

Board Member Pierro stated axel noble (inaudible) chart indicated hunter green, dark buff color for wall stucco.

The Secretary stated would you like to see the colors.

Board Member Pierro stated no, I have an idea.

Board Member Montesano stated (inaudible – too many talking).

Board Member Pierro stated I have an idea of they are, I do a lot of painting and stuff.

Board Member Cook stated Rich, what does this mean, the letter from Putnam Engineering about the layout, the comment regarding the landscaping.

The Secretary stated the stucco is on the second page.

Board Member Cook stated I'm sorry, go ahead, the comment regarding.

Board Member DiSalvo stated what project is that.

Board Member Cook stated future submission and review of the storm water analysis as noted.

Rich Williams stated they have to.

Board Member Cook stated they still have to do something.

Rich Williams stated they still have to do something, there is a storm water plan, that is the narrative that goes with the plans, they haven't revised them yet and there was a cute little note in there also about them being more then willing to meet with us but never called to set anything up.

Board Member Cook stated that's nice.

Board Member DiSalvo stated Bob Cameron is the only one still working with Putnam Engineering.

Rich Williams stated Paul Lynch is still the engineer signing all the plans.

Board Member DiSalvo stated but Bob is the only one that comes in right.

Rich Williams stated well he is probably assigned to Patterson but.

Board Member DiSalvo stated I see him on T.V. for the other towns too.

Rich Williams stated I have no idea.

Chairman Rogan stated so you.

Board Member DiSalvo stated can't miss that hair.

Board Member Montesano stated people make fun of everybody with hair problems.

Board Member DiSalvo stated it's cute, its like (inaudible).

**6) PATTERSON MACHINERY, INC. – Fill Permit & W/W Permit**

Chairman Rogan stated Patterson Machinery, we don't really have anything new on them, they didn't show up last time, so we are at the same spot as last time.

Rich Williams stated they didn't show up last time.

Board Member Pierro stated and we asked Rich to send a letter.

Ted Kozlowski stated did you reach out to them this time.

Board Member Cook stated which he did.

Rich Williams stated I did.

Board Member Pierro stated and he did, it is in the works.

Rich Williams stated I have not heard from anybody.

Chairman Rogan stated so everybody just pull their notes they had from last meeting, if you will but it sounds like we are still on the same page as a month ago with them.

Board Member Cook stated yeah.

Board Member Pierro stated what is under other business.

**7) OTHER BUSINESS**

**a. Dunning Subdivision – Request for Extension**

Chairman Rogan stated under other business we have a request for Dunning.

Board Member Pierro stated Dunning, extension.

Chairman Rogan stated which is for an extension, everyone has a letter on it and that is. Dunning Subdivision, that is the three lots on the corner Harmony and [Route] 292.

Board Member Pierro stated right.

Chairman Rogan stated it says, extension, they are having a hard time getting driveway permits and they are also looking for 180 days.

Rich Williams stated subdivisions are traditionally entitled to a 180 day approval plus two 90 day extensions.

Board Member Pierro stated right.

Chairman Rogan stated alright.

Board Member Pierro stated in the matter of Dunning.

Chairman Rogan stated so you want to do a 90 day, is what you are saying Rich.

Rich Williams stated what I am I saying is that you can do two 90 day extensions for 180 days.

Chairman Rogan stated oh okay.

Board Member Pierro stated in the matter of Dunning Subdivision, I make a motion that we grant two 90 day extensions, totaling 180 days.

Board Member Montesano seconded the motion.

Chairman Rogan stated can you do, just not to interrupt before we proceed, would it be improper to do two 90 day extensions or do a 90 day extension and have him request it again at the end of the 90 days.

Rich Williams stated you can do it either way you like.

Chairman Rogan stated okay, I am comfortable with the 180 days, I am just asking procedural.

Board Member Pierro stated (inaudible – too many speaking).

Chairman Rogan stated Mike seconded.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Chairman Rogan asks for any opposed.

**b. Edie Keasbey Subdivision – Request for Extension**

Chairman Rogan stated under other business, is Edie Keasbey is requesting an extension, Rich could you give us.

Rich Williams stated similar situation, approved subdivision, it was approved on May 3<sup>rd</sup> of this year the 180 days is expiring in October, so she has requested an extension on that, they are currently working, or planning on starting the parking area improvements. They have someone who donating the fill, so that is moving forward.

Board Member Pierro stated she is asking for 90 [days].

Rich Williams stated she asked for an extension, you can either one 90 or two 180's, or two 90's.

Chairman Rogan stated one 90 or two 90's totaling 180.

Board Member Pierro stated on the matter.

Chairman Rogan stated sure.

Board Member Pierro stated on the matter of Edie Keasbey Subdivision, Couch Road, Patterson, I make a motion that we grant two 90 day extensions, totaling 180 days.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	abstain
Board Member Montesano	-	abstain
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 3 to 0; 2 abstain.

Chairman Rogan asks for any opposed.

Board Member Montesano stated abstain.

Chairman Rogan stated Michael abstained.

Board Member DiSalvo stated I will abstain too.

Chairman Rogan stated and Maria abstained. Strike the aye from the record.

**b. Barjac Realty**

Chairman Rogan stated we have a letter from Barjac Realty, they, an application for a Special Permit was submitted to ZBA [Zoning Board of Appeals], ZBA [Zoning Board of Appeals] opened the special permit

public hearing, conducted their site walk, it appears that ZBA was prepared to act on the application but were unable to because we have not done a SEQRA determination. They want to be on the October 4<sup>th</sup> Planning Board meeting, I say that we put them in under Other Business and we can do a SEQRA determination then.

Board Member Pierro stated so be it.

Chairman Rogan stated we usually, I am just thinking, we don't usually do something like a SEQRA determination at a Work Session, something like an extension that is pretty mundane.

Board Member Pierro stated I agree.

Board Member DiSalvo stated how was the turn out at the public hearing with the Zoning Board because I ran into a few neighbors that were asking me and they said well is that his real motive to put the barn there or is something else going to go on there.

Chairman Rogan stated well who knows.

Rich Williams stated there were three to five people there that spoke. Most of them were from Maple Avenue, down by the ball fields.

Board Member DiSalvo stated the neighbor at the end there, right, right.

Rich Williams stated there was one that live right across the road from where the driveway entrance is coming out. Nobody was adamantly opposed to it, they were concerned, they weren't sure what was really going on, where things were going to be located.

Board Member Pierro stated I think that this construction throws up a road block to any further mining issue in that area for now. Unless they are.

Rich Williams stated Zoning throws up a road block for (inaudible).

Board Member Pierro stated right.

**d. Patterson Crossing Meeting Discussion**

Chairman Rogan stated okay, also under other business, it is not on here but everybody has received, I see Mike has it, everybody has received their Patterson Crossing binder of response to all of the public comments and our comments and everyone else's comments. Let's talk a little bit about process and how we want to proceed with this time frame wise. I started reading it the other night and it is slow like any other technical document, at least you can read the, you can kind of recall being at that meeting and read some of the comments and maybe even remember, a lot of them are written comments too. At least you can break it up, it is not just a long diatribe of technical reference, you can read a question or comment that was posed and read their reply, think about it, see if there is anything that you want to jot down in the margin about what they said and then go on to the next. So there are some natural breaks at least, that is the way that I found it.

Board Member Pierro stated I had spoken to Rich, I would like to have a special, an additional work session, at a time where all of us can sit down in the same room at the same time and start to go through this document together.

Chairman Rogan stated what do you mean by start to go through it though.

Board Member Pierro stated I have been through the first 30 pages too and I don't recall any comments but I want, I think that it would advantageous.

Board Member DiSalvo stated remember we had that last one, we signed off on it.

Board Member Pierro stated we didn't do it at a meeting, we did it in the back.

Board Member DiSalvo stated we did it in the cafeteria, that day.

Board Member Pierro stated I would like to do it at a meeting.

Chairman Rogan stated okay, go ahead I'm sorry.

Board Member Cook stated I think that is good because I am 180 degrees from your comment because I wasn't on the Board and I wasn't at the meetings.

Board Member DiSalvo stated and you weren't at the site either.

Chairman Rogan stated right, which is another thing we are going to talk about.

Board Member Cook stated right, so when I am reading it, the introduction and the summary, you can kind of follow that but when I read some of the questions and then the responses. I can say that the response sounds good but I don't know if you asked the question and if you are satisfied [with the answer].

Chairman Rogan stated well, that is not even, if I may Rich and correct me if I'm wrong, I think that our job is too whether or not they provided a reasonable response to that question. We don't have to be the determining factor that says that they have absolutely adequately addressed every realm of this question because there are always extremes on each situation.

Board Member Cook stated exactly, I am with you. I was saying that I have no feel for you know, Mr. Mike over there asked the question and this answer.

Board Member DiSalvo stated too bad you can't watch the tapes from that night.

Board Member Montesano stated well who ever had the first nights tape.

Board Member DiSalvo stated didn't Paul have it.

Board Member Cook stated alright, I think that the meeting is a good idea.

Board Member Pierro stated I think that it is important that we sit down together and go through the document, as best we can over a couple of meetings, I don't think that it will hurt us.

Chairman Rogan stated no, I think it is a great idea.

Board Member Pierro stated it will help refresh all of our memories for those of us who were there.

Chairman Rogan stated here is what I was hoping that we were going to move towards and I think that we are along the right track, is should we try to just say well we are going to put a special meeting, I am just making this up, two weeks from now, where we are going to go through as much as we can all comfortably can get through in a few hours. Also understand that everybody would be prepared, that we are not looking at it for the first time when we come in here to look at it together, that we are going to shoot for all, let's say 400 pages of response.

Rich Williams stated a little over plus the appendices, which are almost 18.

Board Member DiSalvo stated then we have to publicize it as a meeting then too.

Board Member Pierro stated oh we do.

Chairman Rogan stated yes.

Rich Williams stated we are going to advertise as it meeting, it is going to be open to the public, you can count on people being here.

Chairman Rogan stated yeah. Here is what I don't want to have happen, I don't want to have a special meeting, we have to announce it to the public and we come in to discuss the first 150 pages and nobody has any comments.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated or you know, you sit there and you just say yeah, does everyone agree on. Maybe the intent is to come here ready with some kind, even if its just notes and we are all flipping through and say hey, page five take a look at this I saw X.

Board Member DiSalvo stated I remember something like that and then we are going to, if people do show up that night, they may ask questions.

Chairman Rogan stated no its' not, it doesn't have to be opened, it is a public meeting but it is not for public discussion.

Board Member Pierro stated they can watch us.

Board Member DiSalvo stated we could get distracted, is what I'm saying.

Board Member Montesano stated you can get real cute and actually face the other way, have your back towards the audience to get your job done.

Board Member Pierro stated we don't want to, I am not for that kind of antagonism though.

Chairman Rogan stated I hear what you are saying, the other alternative here, right.

Board Member Montesano stated that is not antagonistic, it is to make them aware.

Board Member Pierro stated I don't want to turn my back on anybody.

Chairman Rogan stated laying out the other alternatives in this process and I am not saying that I am for this but we are just so, we are having the conversation. There is the option of everybody reading it on their own and bringing to a public meeting a final meeting everybody brings their comments because Rich certainly is going to have his own written comments, I am not necessarily in favor of that, I like us meeting and going through it.

Board Member DiSalvo stated a group session.

Chairman Rogan stated you know, but I also don't want to open up a meeting where it is not productive.

Board Member Pierro stated right.

Chairman Rogan stated you know, and it is not an easy document to get through admittedly, also recognize the amount of time that we have already had it, two weeks, twoish weeks, if it takes us eight weeks to get through this and I don't want to sit here and say that we've got to get through this in four weeks. What I want us to say is that we have to do our due diligence and get through this as we can without rushing through it or taking, or without extending the time frame beyond what is reasonable and remember that when we set out time frames for how long the public comment is open. That if it takes us 6 or 8 weeks, we shouldn't necessarily say well 30 days is all they've got. It is a big document.

Board Member DiSalvo stated yeah.

Board Member Pierro stated it is big.

Rich Williams stated 30 days is the regulations.

Chairman Rogan stated unless Paul is willing to waive that, isn't that correct.

Rich Williams stated if Paul is willing to waive it sure.

Chairman Rogan stated which we can ask for and that may even be the justification for asking for it, is how long it takes us to get through it .

Board Member Pierro stated back to process.

Chairman Rogan stated yes.

Board Member Pierro stated at this point we have the document for 100 days to review it, to decide whether or not the comments are answered.

Rich Williams stated let's talk about the SEQR regulations, the SEQR regulations say that the project sponsor will submit the FEIS, the lead agency and all the involved agencies have ten days to review it and then within 30 days of that document being submitted, the lead agency has to make a finding statement and then all other involved agencies have to make a finding statement prior to their making a decision.

Fundamental assumption there and the error in the SEQR process is that the document submitted is complete and there is not provision within the SEQR regulations.

Board Member Pierro stated for how long.

Rich Williams stated for reviewing the document to ensure its completeness.

Board Member Pierro stated so that is the window that we have.

Rich Williams stated so there is nothing in the SEQR regulations so it is kind of this nebulous time frame about how long the Board can take in actually reviewing the document. Certainly Paul Camarda's people are looking to have it done very quickly, they put all the work in to it and they are anxious to see something done, I get a call once a week.

Chairman Rogan stated they want their test graded.

Rich Williams stated yes.

Board Member DiSalvo stated at least we are in the process of advertising that we are reviewing it by setting up a meeting, it is not like we are going to forget about it for a month or two.

Chairman Rogan stated yeah.

Board Member DiSalvo stated we are staying contact with everybody.

Chairman Rogan stated so we could set up a meeting for the middle of October ish, the third week of October, something like that that we could all comfortable say, we will get through as much of the first half of it or the first hundred or whatever.

Board Member Pierro stated right.

Chairman Rogan stated as best we can through it and then set up a subsequent meeting to that at that meeting, it might be two weeks later, it might be three weeks later.

Board Member DiSalvo stated do you have a calendar.

Chairman Rogan stated the other part of this is a site walk, we should try to figure out tonight or certainly by next Thursday when we can get out there and it can be an evening right after work, in fact I can get off a little bit early, and not everybody has to go, it is up to anyone who wants to walk around up there so that Charlie can get a good feel for the property.

Board Member Pierro stated I really feel that November when we've got some leaves off the trees will give us, give Charlie a better idea as to what it looks like, its thick.

Chairman Rogan stated that is a tough, it is pretty thick up there.

Board Member Pierro stated it is thick.

Chairman Rogan stated there is a lot of scrub type.

Board Member Montesano stated if you wait for the leaves to go, which to me is good because then you can see the proximity of the house.

Board Member DiSalvo stated not the way this weather is going.

Chairman Rogan stated you are talking, that its really not too bad, that is four weeks from now.

Board Member Pierro stated yes.

Chairman Rogan stated and we are not even, I mean I would be optimistic to say that we are going to through this document in four [weeks], I just don't think that it is reasonable. I am not looking to stall anything or say well don't read through it, if you get a burning desire to go through it then you are going to be ahead of the curve with this.

Board Member Pierro stated right.

Chairman Rogan stated or you can go back and read through and help out the rest of the Board. There was time when I thought that it might be beneficial to look at a document like this and say okay Mike you do one through sixty or whatever, I'm not sure that that is, everyone should have their own hard look at it.

Board Member Montesano stated you've got to have your own opinion on it, because some of the difficulties.

Chairman Rogan stated yeah.

Board Member Montesano stated are going to be one opinion you may not agree with on one item, but to mark it off.

Chairman Rogan stated Rich, now help us out with this, it is worth talking about, when you are reading, you are from more of a technical aspect, but when as a Planning Board Member and you are reading through these questions and comments, the answers to these questions, what would be a good guideline that the Board should, in the back of their mind like a process laid out so that they are not just reading and saying yeah, it sounds fair but maybe there are a couple of key things I should be looking at.

Rich Williams stated although the FEIS is designed by the sponsor, its really supposed to be the responses of the Planning Board to the issues raised so when I was on the Planning Board and reviewing this type of a document, the first thing I am thinking is, is this the response that I want to put out there, is this my response.

Chairman Rogan stated okay.

Rich Williams stated then I am trying to assess whether it is technically accurate and reasonable addresses the question that was raised.

Board Member Montesano stated with that note, if you look at it there are certain questions that are going to be in here that really pertain to engineering.

Board Member DiSalvo stated right.

Chairman Rogan stated right.

Board Member Montesano stated and our opinion is the opinion of laymen, so you can mark that.

Chairman Rogan stated good point.

Board Member Montesano stated you have an opinion but you put eng. on it and say that is an engineering headache that is going to be there. There are certain questions that you are going to run into, that Richie would probably have a better answer for because he knows.

Chairman Rogan stated right.

Board Member Montesano stated and you can put his name down, this way while we are having that meeting, if one of us has a question of that nature, he can come up with an answer, hopefully. And if we are going to have that, do we ask for Gene to be present at the meeting, that is another thing that you have to look at because if it is an engineering problem that has been specifically stated by more than one laymen, should we have our engineer give us an explanation.

Chairman Rogan stated I think to that, it depends on Gene, but I think that he is certainly going to provide his written comments, that will become part of our record and part of what we will be looking. Let's face it if Gene says hey this is still an issue, I doubt that anyone on this Board is going to say no, that is not an issue, we are going to say this is our technical specialist, just like we would with Ted or with Rich.

Board Member Montesano stated would he have the opportunity, say we are having the meeting in four weeks, can we get a preliminary from him to that, if there are questions in there or would it be better if we have a question should he be there, that is the only problem.

Chairman Rogan stated that is a good point, you're right.

Board Member Pierro stated I think that it would be best to have him there, have him doing a another supplement is going to be time consuming, he is working on it now with Rich, aren't you going through all the comments.

Board Member Montesano stated you'd even have to have Ted there on occasion to find out if he can take the tree down or not.

Chairman Rogan stated and what all the comments should ultimately do, is either to go back to the applicant and say you either have to provide more information on this, you have to study things additionally, do something to answer this question. There are always going to be people that will say they haven't exhausted every avenue but that isn't what SEQRA requires, it just requires a hard look and a reasonable look because certainly there are always things that someone could do to approve or disprove one of these scenarios.

Board Member DiSalvo stated now this FEIS reflects the new plan or are we still considering with this reflecting the old plan. Some of the complaints were the view shed, the lighting, the road layout.

Rich Williams stated the questions that I have read so far are addressing questions from the old plans using the new plan as mitigation.

Chairman Rogan stated that is what I've caught so far.

Board Member DiSalvo stated okay.

Chairman Rogan stated I read the one about the access drive and how they said, now we are funneling traffic to the [Route] 84 side of the facility which.

Board Member Pierro stated commercial traffic.

Chairman Rogan stated which certainly seemed like a reasonable way to resolve those issues of truck traffic.

Board Member Pierro stated not all traffic, just commercial traffic.

Chairman Rogan stated just commercial, dedicated to commercial.

Board Member Pierro stated I read that correct, right.

Rich Williams stated one of the other things that you have to remember is SEQRA says that in preparing the FEIS the substantive comments have to be addressed not all of the comments. I think that Paul Carmarda's people went over and above in trying to address everybody's comments. They addressed one of the ones that I picked out, there was one woman who was concerned about the impact blasting is going to have on the wildlife, that is going to spook the animals and they were going to run out into traffic and they even addressed that to some extent.

Chairman Rogan stated that was an interesting comment. Does anybody else have any questions, I mean this is a good time to talk process.

Rich Williams stated I assume that the Board wants to do more or less an internal review, you don't want the applicant there.

Chairman Rogan stated I think that would be awkward and unnecessary.

Board Member Cook stated certainly not at the first one or two meetings that we have.

Chairman Rogan stated because ultimately we will have a public meeting with this that will be the culmination of all this that will be presented, whether that is a special meeting or not.

Board Member Pierro stated I would like to get this scheduled, just this week is the beginning of October, next couple days.

Chairman Rogan stated yes.

Board Member Pierro stated I would like to get it done before the national holiday, the 13<sup>th</sup>.

Rich Williams stated November or October.

Board Member Pierro stated October, can we get a meeting in.

Chairman Rogan stated I was thinking the week after that, the week of the.

Board Member Pierro stated as long as it is during the week.

Board Member DiSalvo stated it doesn't have to be a Thursday.

Chairman Rogan stated these are going to be like but Thursday may work well because they are already kind of fit in as a Planning meeting, in terms of not conflicting with Town Board or Zoning Board, right. So Thursdays are potentially.

Board Member DiSalvo stated so like the 18<sup>th</sup>.

Board Member Cook stated do you want to the 18<sup>th</sup>.

The Secretary stated the 18<sup>th</sup> is a Thursday.

Chairman Rogan stated do you want to shoot for that.

Board Member DiSalvo stated that gives us more then two weeks if you get the notice out tomorrow.

Rich Williams stated we have to have at least two weeks to get the notice out.

Chairman Rogan stated does that give us enough time.

Rich Williams stated to get the notice out.

Board Member Cook stated its three weeks from tonight.

Board Member Pierro stated today is the 27<sup>th</sup>.

Board Member DiSalvo stated tomorrow is the 28<sup>th</sup>.

Board Member Cook stated that is three weeks from today.

Board Member Pierro stated you can count on the 18<sup>th</sup>.

Chairman Rogan stated and everybody is kind of clear on what we are shooting to do, that we are going to try and work through as much of this.

Board Member DiSalvo stated regular time.

Chairman Rogan stated I think we would do 7 instead of 7:30.

Board Member Montesano stated I think that if we are going to do it, do 7.

Board Member DiSalvo stated you want to have it here.

Board Member Pierro stated yeah.

Chairman Rogan stated I think so yeah, I think that it, how do you have to advertise these meetings, you have to, you advertise a meeting, it's a special meeting and then you say about or just that the Planning Board is holding a special meeting.

Board Member Pierro stated its no public comment.

Rich Williams stated we advertise it as the Planning Board is having a special meeting, that's it.

Board Member Pierro stated there is no comment and it should be advertised as that.

Rich Williams stated what.

Board Member Pierro stated there will be no public comment, it will be a review meeting for Planning Board Members.

Rich Williams stated we generally don't advertise if there is comment or not unless we are doing a public hearing.

Board Member Pierro stated we can announce that at the beginning of the meeting if anybody shows up.

Rich Williams stated and we don't advertise an agenda.

Chairman Rogan stated right.

Board Member Cook stated so we advertise it as a work session.

The Secretary stated it will be advertised a special meeting.

Chairman Rogan stated that's all.

The Secretary stated the Planning Board will be holding a special meeting on October 18, 2007 at 7 p.m.

Chairman Rogan stated and in fairness, its not that I want to dissuade people.

Board Member Pierro stated can we advertise it as a special work session.

Chairman Rogan stated but I also think that the intent is for us to meet as a group.

Board Member Pierro stated right.

Chairman Rogan stated its like what we are doing right now, a work session, if we show up and not that this going to happen and there is nobody here, I want to hold it right in here to be honest with you.

Board Member DiSalvo stated yeah.

Rich Williams stated oh yeah, you can count on people being here, we are getting calls, one two or three a week, people asking what is going on, where are you in the review.

The Secretary stated we've had a couple people in the office, not just people calling.

Chairman Rogan stated so let's fast forward now, let's say that we hold two of these special meetings and get through the document, Rich, Ted, Gene have gotten through it now, we are ready to meet with the Applicant and the public in terms of getting these comments to the applicant, they would then obviously come back with response to those issues.

Rich Williams stated well yes, it is going to go one of two ways, you are either going to accept the document as complete or you are going to accept as complete one of three ways, you are going to complete conditioned on him addressing these issues this way or you are going to deem it incomplete and give him the reasons why and send him to re-do it.

Board Member DiSalvo stated how long does he have to re-do it.

Rich Williams stated there really is nothing in SEQRA about that.

Chairman Rogan stated but if we deem it incomplete, then it doesn't go for public review. If you deem it complete with conditions it goes to public review, then you have to hold a public hearing on that.

Rich Williams stated you deem it complete with conditions then once he satisfies those conditions, that is when the clock starts.

Board Member DiSalvo stated and that could be awhile.

Chairman Rogan stated and that is when you put out to the public.

Rich Williams stated and then the public has ten days to review it and thirty days to make a decision.

Chairman Rogan stated has he, has the applicant made it available.

Rich Williams stated (inaudible – too many speaking).

Chairman Rogan stated on any kind of we already.

Rich Williams stated it will have to go up once it is deemed complete.

Chairman Rogan stated but it isn't.

Board Member DiSalvo stated right now.

Board Member Cook stated he indicates.

Board Member DiSalvo stated no one has FOILED it.

The Secretary stated we can't, until you guys review it and deem it complete, we can't give it out.

Chairman Rogan stated I wonder if they were referring to the draft, when he said, that is what I confused about.

Board Member DiSalvo stated I don't know about that.

Chairman Rogan stated in the executive summary right up front, which is what you are referring to, right Charlie, the executive summary, says that this is available in the Town Library and blah, blah, blah, but I think that he was referring to the DEIS.

Rich Williams stated the DEIS.

Chairman Rogan stated I don't think that it is very clear, because I read it the same way you did Charlie.

The Secretary stated Rich, we can't give this to the public until they deem it complete.

Rich Williams stated that is my opinion.

Chairman Rogan stated correct.

The Secretary stated okay.

Rich Williams stated this is a document in progress.

Board Member Montesano stated these are minutes that we haven't approved, you can hand them out if you want to, what is we change them. With that, we haven't accepted it, so how could it be law or released to the public if we haven't accepted.

Board Member DiSalvo stated do you know if Camarda has gotten requests for copies.

Chairman Rogan stated that was kind of what I was wondering.

Board Member Montesano stated I am sure that he has, and I am sure that he will publish it somewhere, the object is.

Board Member DiSalvo stated he must have made an extra hundred copies of this.

Board Member Montesano stated he is not going to be the person that is reviewing it, he is going to try and get people on his side and he can do what he wants but I think that we are limited on something that is not officially acceptable to the Planning Board to be handed out to the public.

Chairman Rogan stated absolutely not.

Board Member Pierro stated I have to tell you and I mentioned this to Rich that Dan Kutcha called me, how are you doing, how is everything going, can I borrow your copy of the FEIS so I can make a copy of it. I was like no, Dan forget it don't even go there and that is what people are up to. Let me tell you another thing, I went out, I took the map out one day because I sort of got the feeling that the driveway was moved a little bit, I just wanted to go there with the map and look, so I did and I pulled my truck.

Chairman Rogan stated how many people stopped.

Board Member DiSalvo stated and the paper blew in the air.

Board Member Pierro stated unbelievable, the map.

Board Member Montesano stated everyone has their little spy cameras.

Board Member Pierro stated unbelievable how many people were locking up the brakes over there and I was just looking. I pulled the thing out, I sort of got a feeling, a better feeling as to where it was moved and the cut and slope on that hillside there, so I left and I went down to that deli there on [Route] 311, I swear somebody tried to get into my truck, I swear the door was loose, the passenger door was loose and I put the thing in the back behind the seats, I have a feeling.

Board Member DiSalvo stated they would never be able to find it with all the stuff you have in your truck.

Rich Williams stated he has not yet.

Board Member Pierro stated yeah but.

Board Member Montesano stated he cleaned it.

Board Member Pierro stated miraculously its clean but.

Rich Williams stated so he is anticipating (inaudible – too many speaking).

Board Member Pierro stated I am telling you, protect that document, protect it because people will go to no ends.

Board Member Montesano stated Sunday, I thought I was there, I don't think the person that was getting the award was upset because I became the center of attention, what is going on with Patterson Crossing. Do you have the documents with you, I said what documents.

Board Member DiSalvo stated yeah, in my pocket.

Board Member Montesano stated I said, they have documents, what did they do, look I didn't even get a discount card yet, you guys got documents.

Chairman Rogan stated I will tell you this, at every staff meeting we have at the Health Department, we talk about new project and things going on in the County, the engineers will report out and they will say we got you know what is going on blah, blah, blah, and I say we are reviewing and I can't comment any further, unfortunately I don't have the luxury of a personal opinion.

Board Member Pierro stated right.

Chairman Rogan stated and that is the bottom line is that none of really have the luxury of a personal opinion on this, you can have it you just can't say it, you are working for a greater common goal here, for the Board.

Board Member Pierro stated right.

Chairman Rogan stated and you know and that is why I've said to every Town official who would listen to me I don't think that they should have a public opinion, I think it hurts us.

Board Member DiSalvo stated no.

Board Member Montesano stated when I stop with truck, I put my new sign out, Asphalt Recycling plant.

Chairman Rogan stated okay so procedurally, though we would going towards deeming it complete or deeming it incomplete, deeming it complete with revisions, the next step after that assuming it was complete would be a public hearing.

Rich Williams stated no public hearing.

Chairman Rogan stated no public hearing.

Board Member Montesano stated no public hearing.

Chairman Rogan stated complete give it out and then we have to make a.

Rich Williams stated ten days to consider it.

Chairman Rogan stated okay and that always, Rich and I have had these conversations since I have been on the Board, five years, I have always been bothered by the process because in my mind when you are deeming something, make a determination on it, it makes it feel like it is a done deal, like okay they have answered it now but we are still not even into the design phase, this is just, that to me has always been a difficult topic to grasp we are reviewing these, have they provided answers.

Board Member DiSalvo stated right.

Chairman Rogan stated doesn't necessarily mean we like what they are doing but are they addressing the comments that have been brought up.

Board Member Pierro stated right.

Board Member DiSalvo stated so say if deem it complete based on contingencies, how many do you deem acceptable contingencies.

Chairman Rogan stated how substantive are they.

Board Member DiSalvo stated what if come up with twenty-five or fifty, or what is.

Chairman Rogan stated if you come up with twenty-five tidbits.

Board Member Montesano stated if it is twenty-five things about, alright.

Board Member DiSalvo stated what is the majority.

Board Member Montesano stated twenty-five items, if they are consisting of the type of gravel that is to be used, okay but if you are going to have twenty-five items.

Board Member DiSalvo stated major engineering issues.

Board Member Montesano stated such as where is this tank going to be, where is this going to be, where is that going to be, if it is one of the buildings, that to me substantial to (inaudible – too many speaking).

Board Member Pierro stated alright.

Chairman Rogan stated alright, then we would proceed with technical, regular Planning review, architectural reviews, site development issues, the lovely world of storm water.

Rich Williams stated then it gets fun.

Chairman Rogan stated then it gets but I guess the reason that I brought that up is because I always felt that by making a determination after one of these documents was deemed complete, that you were then, it was almost like a stamp of approval for the project and that is an awkward feeling and you don't feel like we haven't even reviewed it yet you know.

Board Member Montesano stated always give you the superman ten step test to jumping off the building you only have the costume, what is the next step and make sure the bag is below. The idea is you come up with something.

Chairman Rogan stated you come up with things, after the public hearing we had on this what a year, year and one half ago one gentleman who must live up on Echo or Concord Road, or whatever, was talking about at one point where the road is so narrow and I have been up there quite a bit, different times so I drove back up there a couple of times trying to see where the narrowest part of the road was and actually got out of my car and the only narrow spot I could find where they were saying it was eight foot wide, it was more like eighteen or sixteen feet wide you know it was really, maybe one lane was eight foot wide but it was pretty wide up there in that back, it is almost when you go up towards Concord Road.

Board Member Pierro stated right.

Chairman Rogan stated that's Echo, maybe its Echo and Concord.

Board Member Montesano stated a lot of times, everybody has their car parked on the side of the house and then the road is narrow, so they measure from there.

Board Member Pierro stated if you ever get the opportunity to go up there during real in climate weather, where there is a lot of storm water, you have to see what goes on up there, its.

Board Member Montesano stated which truthfully is a factor comes out to, with that in mind is the applicant the problem or is it the fact that the community has been like that for so many years that the Town has never improved it to begin with to the satisfaction (inaudible – too many speaking).

Board Member Pierro stated a lot of that storm water going into the lake is in the Town of Kent and he is going to be making improvements to that.

Chairman Rogan stated look what Hurricane Floyd did, you'll see when we go up there, that one drainage area that in spots was over six and eight foot deep the gorge that was cut down through from Hurricane Floyd and that was in '99, September of '99.

Board Member Pierro stated that was amazing.

Board Member Montesano stated look at Lake Carmel at the present time, it is such a damn mess and the water table is so low and they admit it, that the thing has gotten worse now, how many times have they pull stuff, they dredge that lake over the last twenty-five years, take all that dirt.

Chairman Rogan stated have they done dredging.

Board Member Montesano stated oh yeah.

Chairman Rogan stated I know that they have done the weeding.

Board Member Montesano stated there was one gentleman who is no longer in office, who was a councilmen there, he was going to clean up Lake Carmel, along [Route] 311, that one stretch where the beach is.

Chairman Rogan stated yeah.

Board Member Montesano stated it was piled up so high, they were taking it out in trucks, where it went, I don't know, I don't know if they used it in their land fill.

Chairman Rogan stated I think that was weed harvester.

Board Member Montesano stated the weeds they took out and they also dredged that, and I can't think of the guys name that had it dredged but they took silt right off of [Route] 311, just dragged it all out, all along the beach.

Rich Williams stated that was one year, years and years ago.

Board Member Montesano stated it hasn't improved it because it just slides right back down there.

Chairman Rogan stated any other items that anyone wants to discuss under other business. We have minutes to consider for the next meeting. Okay so we are going to try and set a date for the 18<sup>th</sup>, or we are setting a date for the 18<sup>th</sup>, at 7 p.m., special meeting. We have a meeting next week at 7:30 p.m.

Board Member Pierro stated again when we advertise that, can we advertise that as a special work session meeting, so we don't draw a deluge of.

Chairman Rogan stated (inaudible – too many speaking).

Board Member Pierro stated it may influence it.

Rich Williams stated yes.

Board Member Pierro stated people see special meeting they are going to think something is going on under the table.

Chairman Rogan stated right.

Board Member Pierro stated special work session.

Board Member Cook stated approval time.

Board Member Pierro stated right.

Board Member Cook stated right, work sessions for any Board, they do not have to take public comment.

Chairman Rogan stated correct, even a regular meeting we don't have to take public comments.

Board Member Cook stated (inaudible – too many speaking).

Ted Kozlowski stated you have to advertise it as a special work session (inaudible – too many speaking).

Chairman Rogan stated the only time we have to take public comment is a public hearing.

Board Member Pierro stated yeah.

Board Member Cook stated so it should be.

Board Member Pierro stated I think that it has to be advertised as a special meeting because it is not a regular meeting.

Board Member Cook stated special work session.

Board Member Pierro stated special work session, right.

Rich Williams stated it doesn't have to be advertised as special, just that the Planning Board is meeting.

Board Member Pierro stated work session fine.

Chairman Rogan stated motion to adjourn.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

The meeting adjourned at 8:18 p.m.