

**TOWN OF STILLWATER
PLANNING BOARD MEETING MINUTES
STILLWATER TOWN HALL
October 23, 2017 @ 7:00 PM**

Present:

**Chairperson Carol Marotta
JoAnn Winchell, Member
John Murray, Member
Randy Rathbun, Member
Peter Buck, Member
Heather Ferris, Member
Marybeth Reilly, Alternate Member**

Also Present:

**Daryl Cutler, Attorney for the Town
Sean Doty, Chazen Companies-Engineer for the Town
Paul Male, Town Engineer
Lindsay Zepko, Director of Building and Planning
Ellen Vomacka, Town Board Liaison
Sheila Silic, Secretary**

Pledge:

Chairperson Marotta called the meeting to order at 7:00 PM and led everyone in the Pledge to the Flag.

Review and approval of minutes of Planning Board meeting:

Ms. Winchell made a motion to approve the minutes as amended from the September 25, 2017 meeting, seconded by Mr. Rathbun. The motion passed unanimously.

PB2017-09, Key Capture Energy Site Plan, 30 Substation Drive

Chairperson Marotta recognized Mr. Matthew Brobston, RLA of the LA Group and Mr. Daniel Fitzgerald of Key Capture Energy. Mr. Brobston stated that the project is adjacent to the NYS Electric & Gas Substation, located at 30 Substation Drive which is off Cold Spring Road. Mr. Brobston stated that the applicant will be leasing a 6-acre parcel from the 154-acre parcel known as Pod 1 and the applicant will be using the existing access road into the site. Mr. Brobston stated that the battery storage system helps to enhance and stabilize the fluctuation of increasing or decreasing power to the electrical company's grid. Ms. Marotta asked what color the storage containers would be. Mr. Brobston stated that the applicant is open to a paint color for the storage units if the Planning Board were to request a color change. Mr. Brobston stated that they have addressed Chazen's Companies comment letter dated October 18, 2017. Mr. Brobston stated that at the previous meeting, the Board had some concerns regarding if a private utility is allowed under the current PDD Language, noise levels and visual buffers. Mr. Brobston stated that private utilities are allowed under the current PDD Language. Mr. Brobston stated that the noise level at the property line is 50db and it is 425 ft. to the property line. Mr. Brobston stated

that there is a 100 ft. no cut buffer from Cold Springs Road and that the battery storage units will be 300 ft. from the buffered area. The Board discussed the need for a Letter of Credit to be established that the Town could use in the event that the batteries were one day obsolete or abandoned. Mr. Fitzgerald stated that the Letter of Credit could be established and would include the estimate of the removal cost and the salvage cost.

Chairperson Marotta proceeded to open the public hearing and asked if anyone wished to comment and hearing none she proceeded to close the public hearing.

Chairperson Marotta asked about the infiltration basin. Mr. Brobston stated that they are not proposing a new stormwater basin. Mr. Brobston stated that the swale will have check dams to alleviate the run off and it meets all of the DEC regulations as outlined in the SWPPP. Chairperson Marotta asked if all the Fire Departments questions and/or concerns have been addressed. Mr. Brobston stated that they have addressed all of the Fire Departments questions and/or concerns. Mr. Male stated that there will be two knox boxes on site. Chairperson Marotta stated that there would be fire training available to the Fire Department. Mr. Fitzgerald stated that is correct there will be training before construction and after construction. Mr. Brobston stated that this will include both Malta and Round Lake Fire Departments. Chairperson Marotta stated that when the original Luther Forest Tech Campus PDD was approved, there were issues with residents in the area due to noise that could be heard from Global Foundries. Chairperson Marotta asked if the noise from the battery storage units will be heard by the residents in the area. Mr. Doty stated that noise level during the day is 60db and the noise level at night is 50db. Mr. Doty stated that the applicant could muffle the noise just as Global Foundries has done. Chairperson Marotta asked if this is an unmanned site. Mr. Fitzgerald stated that is correct and that the battery storage units are constantly monitored by computers. Ms. Marotta stated that Mr. Male's comment letter dated September 22, 2017 has been addressed, Mr. Doty's comment letter dated October 18, 2017 has been addressed and the project is covered under the LFTC PDD regarding the need for SEQRA action. Chairperson Marotta asked Ms. Zepko if she received a response from the Saratoga County Planning Board. Ms. Zepko stated that Saratoga County Planning Board response states no inter-municipal or county wide impact. Chairperson Marotta asked if she received a response back from the Town of Malta. Ms. Zepko stated that the Town of Malta has no issues with the project.

Ms. Winchell asked Mr. Male about the review regarding the SWPPP and if all the criteria have been met. Mr. Male stated yes all the criteria have been met. Ms. Winchell asked if there are any plans to do any test drills with Global Foundries. Mr. Fitzgerald stated that they are working with NYS Electric & Gas on a study.

Mr. Buck asked if this project will benefit the NYS Electric & Gas customers. Mr. Brobston stated that it will benefit their customers.

Mr. Rathbun asked if the battery storage units are self-contained. Mr. Fitzgerald stated that they are self-contained units.

Mr. Murray asked about the removal of the containers if the company were to go out of business so it doesn't become a burden on the Town. Mr. Fitzgerald stated that the containers will be

removed for salvage or to be reused Mr. Cutler asked the applicant why they want to remove the salvage cost from the letter of credit. Mr. Fitzgerald stated due to the contract being reviewed every 5 years for the salvage cost.

Mr. Doty stated that if the warranty is not what the applicant deems reasonable they can remove the containers.

Mr. Male stated that he would like a copy of the warranty to review. Mr. Fitzgerald stated that he not sure if he can give a copy of the warranty to the Planning Department. Mr. Fitzgerald stated that he would check with his lawyer.

Chairperson Marotta asked if anyone had any additional questions or concerns, hearing none she asked to move to discussion of SEQRA.

**TOWN OF STILLWATER
PLANNING BOARD
2017 RESOLUTION NO. 13**

WHEREAS, Key Capture Energy has submitted an application for site plan approval regarding property located at 30 Substation Road, more fully identified as Tax Map Number 241.00-1-4; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Planning Board is the lead agency for SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Short Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has duly determined that the proposed action is consistent with the prior LFTC SEQRA findings by the Town of Malta;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Key Capture Energy, for site plan approval regarding property located at 30 Substation Drive, more fully identified as Tax Map Number 241.00-1-4, will not have a significant impact on the environment.

A motion by Member Winchell, seconded by Member Rathbun, to adopt Resolution No. 13.

A roll call vote was taken on Resolution No. 13 as follows:

Chairperson Marotta	Yes
Member Buck	Yes

Member Ferris	Yes
Member Murray	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Winchell	Yes

Resolution No. 13 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 23, 2017.

**TOWN OF STILLWATER
PLANNING BOARD
2017 RESOLUTION NO. 14**

WHEREAS, Key Capture Energy has submitted an application for site plan approval regarding property located at 30 Substation Drive, more fully described as Tax Map No. 241.00-1-4; and

WHEREAS, a public hearing was conducted on October 23, 2017 to consider the application, and no comments were received from the public; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 13 of 2017; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Key Capture Energy for site plan approval of lands located on 30 Substation Road, more fully identified as Tax Map Number 241.00-1-4 is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant complies with the following conditions:

1. that prior to the issuance of a building permit, the applicant shall post a letter of credit of an amount satisfactory to the Town for the decommission of the site should the site be abandoned, which amount shall be reviewed every 5 years;

2. that the applicant shall provide information and training to the fire department as may be requested by the fire department; and

3. that the 100 foot buffer line be added to the plans; and be it further

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement

Officer.

A motion by Member Rathbun seconded by Member Murray, to adopt Resolution No. 14.

A roll call vote was taken on Resolution No. 14 as follows:

Chairperson Marotta	Yes
Member Buck	Yes
Member Ferris	Yes
Member Murray	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Winchell	Yes

Resolution No. 14 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 23, 2017.

PB2017-10, Zecca Minor Subdivision, 18 Kellogg Road

**** Mr. Buck recused himself ****

Chairperson Marotta recognized Mr. Frederick Metzger of Fredrick Metzger Land Survey P.C. who is representing Mr. Joseph Zecca. Mr. Metzger stated that the property is located at 18 Kellogg Road which is both in the Town of Stillwater and the Village of Stillwater. Mr. Metzger stated that prior to this subdivision proposal, a Lot Line Adjustment was granted on August 28, 2017. Mr. Metzger stated that the townhouses meet all zoning code changes as outlined in the Route 4 Corridor Form-Based Code. Mr. Metzger stated that he would address all of Mr. Male's comments from the letter dated September 15, 2017 by the end of week. Mr. Metzger stated that the berms have been completed, the canopy has been removed and the turn arounds have been completed.

Chairperson Marotta proceeded to open the public hearing and asked if anyone wished to comment and hearing none he proceeded to close the public hearing.

Chairperson Marotta asked Ms. Zepko if she received a response from the Saratoga County Planning Board. Ms. Zepko stated that Saratoga County Planning Board response states no inter-municipal or county wide impact.

Mr. Rathbun asked about the number of subdivisions that had been approved on this parcel. Mr. Male stated that he was not sure of how many subdivisions have been approved in total for this parcel but believes that it is under the 4-lot threshold making it a Minor Subdivision.

Chairperson Marotta asked if anyone had any additional questions or concerns, hearing none she asked to move to discussion of SEQRA

**TOWN OF STILLWATER
PLANNING BOARD
2017 RESOLUTION NO. 15**

WHEREAS, Joseph Zecca Jr., has submitted an application for a minor subdivision regarding property located at 18 Kellogg Road, more fully identified as Tax Map Number 253.26-1-30; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Planning Board is the lead agency for SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Short Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Joseph Zecca, Jr., for a minor subdivision regarding property located at 18 Kellogg Road, more fully identified as Tax Map Number 253.26-1-30, will not have a significant impact on the environment.

A motion by Member Winchell, seconded by Member Ferris, to adopt Resolution No. 15.

A roll call vote was taken on Resolution No. 15 as follows:

Chairperson Marotta	Yes
Member Buck	Recused
Member Ferris	Yes
Member Murray	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Winchell	Yes

Resolution No. 15 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 23, 2017.

**TOWN OF STILLWATER
PLANNING BOARD
2017 RESOLUTION NO. 16**

WHEREAS, Joseph Zecca, Jr., has submitted an application for a minor subdivision regarding property located at 18 Kellogg Road, more fully described as Tax Map No. 253.26-1-30; and

WHEREAS, a public hearing was conducted on October 23, 2017 to consider the application, and no comments were received from the public; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 15 of 2017; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Joseph Zecca, Jr., for a minor subdivision of lands located on 18 Kellogg Road, more fully identified as Tax Map Number 253.26-1-30, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the conditions contained in the engineer's review letter by Paul Male, P.E., dated September 15, 2017; and be it further

RESOLVED, that the applicant must file the approved subdivision map, with all required annotations (a copy of which is annexed hereto), with Saratoga County within 62 days of its execution, or the action by this Board shall become null and void; and be it further

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Murray, seconded by Member Winchell, to adopt Resolution No. 16.

A roll call vote was taken on Resolution No. 16 as follows:

Chairperson Marotta	Yes
Member Buck	Recused
Member Ferris	Yes
Member Murray	Yes

Member Rathbun	Yes
Member Reilly	Yes
Member Winchell	Yes

Resolution No. 16 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 23, 2017.

****Mr. Buck returned to the Meeting****

PB2017-11, Wheeler Lot Line Adjustment, Brickhouse Road

Chairperson Marotta recognized Mr. Charles Wheeler who will be presenting the project to the Board this evening. Mr. Wheeler stated that the survey map was done by Mr. David Dickinson & Associates. Mr. Wheeler stated that he is seeking a Lot Line Adjustment which will provide a 70 ft. strip of land that will allow access to the land locked parcel in the rear. Mr. Wheeler stated the remaining parcel will consist of 3-acres. Mr. Wheeler stated that his surveyor is the making the changes to the map per Mr. Male's comment letter dated September 25, 2017.

Mr. Male stated that the purchaser's Attorney is rewriting the deeds to consolidate the parcels.

Ms. Winchell made a motion to waive the public hearing seconded by Mr. Buck. A roll call vote was taken.

Chairperson Marotta	YES
Member Buck	YES
Member Ferris	YES
Member Murray	YES
Member Rathbun	YES
Member Reilly	YES
Member Winchell	YES

Chairperson Marotta asked if anyone had any additional questions or concerns, hearing none she asked to move to discussion of SEQRA.

**TOWN OF STILLWATER
PLANNING BOARD
2017 RESOLUTION NO. 17**

WHEREAS, Charles Wheeler, Jr., has submitted an application for a lot line adjustment regarding property located at Brickhouse Road, more fully identified as Tax Map Numbers 219.-3-7.2 and 219.3-6.11; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Stillwater Planning Board is the lead agency for SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Short Environmental Assessment Form (EAF); and

WHEREAS, the Planning Board has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

WHEREAS, the Planning Board reviewed each of the 11 factors contained in Part 2 of the EAF and determined that the proposed action will have no, or only a small, environmental impact;

Now, therefore, be it

RESOLVED, that the Planning Board hereby determines that the proposed action by the applicant, Charles Wheeler, Jr., for a lot line adjustment regarding property located at Brickhouse Road, more fully identified as Tax Map Numbers 219.-3-7.2 and 219.3-6.11 will not have a significant impact on the environment.

A motion by Member Ferris, seconded by Member Murray, to adopt Resolution No. 17.

A roll call vote was taken on Resolution No. 17 as follows:

Chairperson Marotta	Yes
Member Buck	Yes
Member Ferris	Yes
Member Murray	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Winchell	Yes

Resolution No. 17 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 23, 2017.

**TOWN OF STILLWATER
PLANNING BOARD
2017 RESOLUTION NO. 18**

WHEREAS, Charles Wheeler, Jr., submitted an application for a lot line adjustment regarding property located at Brickhouse Road, more fully described as Tax Map Nos. 219.-3-7.2 and 219.3-6.11; and

WHEREAS, the Town Zoning Law does not require that a public hearing be held in order for the Planning Board to act on an application for a lot line adjustment; and

WHEREAS, the Planning Board completed a SEQRA review and has issued a negative declaration pursuant to Resolution No. 17 of 2017; and

WHEREAS, the Planning Board has duly considered the application;

Now, therefore, be it

RESOLVED, that the application of Charles Wheeler, Jr., for a lot line adjustment on lands located on Brickhouse Road, more fully identified as Tax Map Numbers 219.-3-7.2 and 219.3-6.11, is hereby GRANTED; and be it further

RESOLVED, that the application is GRANTED, provided the applicant comply with the conditions set forth in the engineer review letter of Paul Male, P.E., dated September 25, 2017; and be it further

RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector-Code Enforcement Officer.

A motion by Member Rathbun, seconded by Member Buck, to adopt Resolution No. 18.

A roll call vote was taken on Resolution No. 18 as follows:

Chairperson Marotta	Yes
Member Buck	Yes
Member Ferris	Yes
Member Murray	Yes
Member Rathbun	Yes
Member Reilly	Yes
Member Winchell	Yes

Resolution No. 18 was adopted at a meeting of the Planning Board of the Town of Stillwater duly conducted on October 23, 2017.

PB2016-19, Turning Point PDD Amendment, Brickyard Road

Chairperson Marotta recognized Mr. Scott Lansing of Lansing Engineering, representing the applicant, Mr. Marshall Whalen who is also present this evening. Mr. Lansing stated that they are seeking an Amendment to the PDD to allow apartments and remove the commercial use in the original PDD. Mr. Lansing stated that the parcel is 25.9-acres and is located on the west side of Brickyard Road. Mr. Lansing stated that this parcel is vacant land which is wooded with some wetlands and it slopes down toward Brickyard Road. Mr. Lansing stated that the surrounding uses for the parcel are single-family, multi-family and industrial. Mr. Lansing stated that the

amendment to the PDD is for apartments which would consist of 13 buildings with 12 units per building with a boulevard access into the development built to fire code standards. The project would have public water and sewer, stormwater management on site, with trees and side walks throughout the development, along with a central public park area in the front of the development.

Ms. Zepko explained the PDD process to the Board and suggested scheduling a joint public hearing with the Town Board on November 16, 2017 to review the PDD Amendment.

Chairperson Marotta recapped the PDD Amendment and reviewed the Town Ordinance with Board. Chairperson Marotta asked about the property to the south of this parcel. Mr. Lansing stated that it is Donavon's Tree Service. Chairperson Marotta stated that there needs to be a 75 ft. buffer between this parcel and Donavon's Tree Service.

Ms. Winchell asked Mr. Lansing if the project is in the Mechanicville School District. Mr. Lansing stated he believes it is but will check to make sure. Ms. Winchell asked if the roadway will be connected to the Turning Point Development. Mr. Lansing stated that the roadways between the proposed new phase and the existing PDD development will be connected via a walking trail that will also be used for the waterline. Ms. Winchell asked about a recreational benefit for the residence. Mr. Lansing stated that there is a .5acre park area for passive recreation and the remaining open space on the parcel may also be used for passive recreation. Ms. Winchell asked about lot coverage. Mr. Lansing stated that he does not have a number for lot coverage. Ms. Winchell asked if the apartments are three story units. Mr. Lansing stated that the apartments are two story units.

Mr. Murray asked about the number of parking spaces per unit. Mr. Lansing stated that there will be two parking spaces per unit which conforms to the Town of Stillwater Zoning Code. Mr. Murray asked how many of the units have 1, 2 and 3 bedroom. Mr. Lansing stated that he was not sure. Mr. Whalen stated that there will be some units that have 1 and 2 bedrooms and a few that will have 3 bedrooms. Mr. Murray stated that there needs to be more than two parking spaces per unit to avoid congestion.

Chairperson Marotta stated that a motion is in order to schedule the joint public hearing for the November 16, 2017 Town/Planning Board meeting.

Ms. Winchell made a motion to hold the public hearing on November 16, 2017 seconded by Mr. Rathbun. A roll call vote was taken.

Chairperson Marotta	YES
Member Buck	YES
Member Ferris	NO
Member Murray	YES
Member Rathbun	YES
Member Reilly	YES
Member Winchell	YES

PB2017-03, Saratoga Hills PDD Amendment, County Route 76

Chairperson Marotta recognized Mr. Scott Shearing of Bohler Engineering who is representing Stillwater Elgen LLC, the owner of Saratoga Hills Mobile Home Park. Mr. Male assisted in the presentation before the Board. Mr. Shearing stated that they are seeking an Amendment to the PDD to establish the number of mobile home lots permitted as well as outline the uses allowed on the site. Mr. Shearing stated that the owner purchased approximately 18-acres adjacent to the mobile home park which is Zoned LDR in order to add some new mobile home lots. Mr. Shearing stated that the gazebo, mailboxes and the bus stop will be relocated closer to the main entrance of the park. Mr. Shearing stated that each lot has two parking spaces with five parking areas for 18 vehicles placed throughout the mobile home park. Mr. Shearing stated that the owner would like to add some storage units and a retail area. Mr. Male stated that the owner is removing old mobile homes and replacing them with new mobile homes. Mr. Male stated that the owner has been working with the Building, Planning and Development Department on the PDD Language for close to two years to bring the park into compliance with the Town Zoning Code and to create PDD language that is beneficial to both the applicant and the Town as the current language consists of only a couple of sentences. Mr. Male stated that the mobile home parks are required to obtain a yearly Operating Permit.

Chairperson Marotta stated that within the proposed PDD Language it refers to sheds, lighting, etc., but does not refer to decks. Mr. Male stated that the decks have to conform to the NYS State Building Code.

Mr. Buck asked how many mobile homes are in the park currently. Mr. Shearing stated that he is not sure how many mobile homes are currently in the park. Mr. Rathbun asked Mr. Shearing if he would estimate the number of mobile homes. Mr. Male stated that there are approximately 259 mobile homes. Mr. Male stated that the lots are being reconfigured and the new mobile homes are being placed on concrete slabs instead stone rubble.

Mr. Murray stated that there will fewer mobile homes on more acreage. Mr. Male stated that the mobile homes will be configured in one of four ways on the site.

Ms. Ferris asked what the acreage is of the parcel that was purchased. Mr. Shearing stated that the parcel is 18-acres. Ms. Winchell asked if the parcel fronts onto County Route 76. Mr. Shearing stated that is correct. Mr. Cutler stated that this portion of the original PDD had been subdivided and the owner is purchasing back a section of the parcel.

Chairperson Marotta stated that a motion is in order to schedule the joint public hearing for the November 16, 2017 Town/Planning Board meeting.

Mr. Murray made a motion to hold the public hearing on November 16, 2017 seconded by Ms. Winchell. A roll call vote was taken.

Chairperson	YES
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Marotta	
Member Buck	YES
Member Ferris	YES
Member Murray	YES
Member Rathbun	YES
Member Reilly	YES
Member Winchell	YES

Discussion:

Mr. Murray stated he has concerns with the density and the number of parking spaces with the Hudson Heights (Turning Point PDD Amendment) project. Ms. Zepko stated that the Board could request the applicant to review the number of parking spaces and add an amount that would satisfy the Board. Mr. Murray stated that in comparison, the Saratoga Hills PDD proposal shows two parking spaces per mobile home with five parking areas that have 18 parking spaces.

Ms. Winchell stated regarding the Turning Point PDD, that she is not happy that the commercial component project has been removed. Ms. Winchell stated that she would like information showing how the commercial parcel was marketed.

Mr. Rathbun stated he has concerns with the traffic congestion onto Brickyard Road. Ms. Zepko stated that the Board could request a traffic study.

Motion to adjourn: made by Mr. Buck, seconded by Mr. Rathbun motion passed at approximately 9:15 PM.