

**TOWN OF NEW BALTIMORE PLANNING BOARD**  
**Regular Monthly Meeting**  
**March 9, 2017- Page 1**

The meeting was called to order at 7:02 p.m. by Vice Chair Ann Marie Vadney. Other Board Members in attendance were Jean Horn, Bob Court, Pat Bruno, Bill Boehlke and Lee Salisbury. Chair, Rob Van Etten arrived shortly after the start of the meeting..

**Minutes**

It was moved by Court and seconded by Bruno to approve the minutes of the October 13, 2016, Regular Monthly Meeting as presented.

AYES: Vadney, Horn, Court, Bruno  
NAYS: None  
ABSTAINED: Boehlke, Salisbury\*\*  
ABSENT: Van Etten

It was moved by Court and seconded by Bruno to approve the minutes of the November 10, 2016, Flack Public Hearing as presented.

AYES: Vadney, Horn, Court, Bruno  
NAYS: None  
ABSTAINED: Boehlke, Salisbury\*\*  
ABSENT: Van Etten

It was moved by Court and seconded by Bruno to approve the minutes of the November 10, 2016 Regular Monthly Meeting as presented.

AYES: Vadney, Horn, Court, Bruno  
NAYS: None  
ABSTAINED: Boehlke, Salisbury\*\*  
ABSENT: Van Etten

It was moved by Court and seconded by Bruno to approve the minutes of the December 8, 2016, Brandt/Bristol Manor Public Hearing as presented.

AYES: Vadney, Horn, Court, Bruno  
NAYS: None  
ABSTAINED: Boehlke, Salisbury\*\*  
ABSENT: Van Etten

It was moved by Court and seconded by Bruno to approve the minutes of the December 8, 2016, Regular Monthly Meeting as presented.

AYES: Vadney, Horn, Court, Bruno  
NAYS: None  
ABSTAINED: Boehlke, Salisbury\*\*  
ABSENT: Van Etten

It was moved by Court and seconded by Boehlke to approve the minutes of the January 12, 2017, Regular Monthly Meeting as presented.

AYES: Vadney, Horn, Court, Bruno, Boehlke, Salisbury  
NAYS: None  
ABSTAINED: None  
ABSENT: Van Etten

\*\*Were not yet Board Members.

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**Correspondence:**

1. 2/2/17 letter from Stephanie Sicilano, AICP, Senior Planner/Grant Writer. GPI, re: Grant Writing, Engineering & Planning Services.
2. Copy of ZBA Chair Pat Linger's 3/1/17 letter to Attorney Michael Biscone, re: William Brandt, Bristol Manor project Variance Approval Resolution
3. Return of green form from County Clerk's Office for filing of Flack Minor Subdivision Map
4. From Assessor Bennett, copy of January, 2017 Real Property Transfer Report.
5. Building Permit Applications: 1 hunting cabin; 1 woodstove; 1 house restoration after fire; 3 roof mount solar systems; 1 house renovations; 1 temporary tent for sale of NY legal fireworks; 1 second floor conversion to living space and new porch; 1 roof repair, renovations, new entrance and deck re-location; 1 inground swimming pool.

**Old Business**

**Lands of Christopher Chmielewski & Rebecca Chmielewski**

No one was present.

**New Business**

**Lands of Robert Egan and Gittel Egan – Current Property Owners**  
**New York Land and Lakes Development, LLC**  
**Tall Pine Hideaways – Major Subdivision Application**

Present on behalf of the property owners was Alan Lord from New York Land and Lakes, LLC which has a contract to purchase the Egan property.

Mr. Lord presented completed Application for Classification of Sketch Subdivision Plat, completed Major Subdivision Application, copy of deed, copy of completed Part 1 of Full Environmental Assessment Form and Sketch Map for Tall Pine Hideaways. Included as part of Application packet was notarized consent forms from both land owners giving Agent Alan Lord of New York Land and Lakes Development, LLC authorization to represent them for the subdivision approval. Packets of background information on the property was provided to all Board Members. Mr. Van Etten arrived just as the discussion was to begin.

Van Etten: How many owners are on it now?      Lord: There are two, a husband and wife.

Lord: The property consists of 260 acres. We are looking to make 16 parcels. They all have frontage on existing Town Roads. There are no new roads or anything like that. I walked the land pretty hard trying to lay out building sites. That is what I look for and so forth and that is where I picked up on a couple of questions I have. I want to make sure that it fits with your regulations and so forth. These two are flag lots.

Boehlke: Do we still use the 60-foot road frontage, Rob, for roadways?

Van Etten: Oh, for like flag lots?      Vadney: I thought it was less.

Boehlke: Did they drop it? I haven't checked lately. I know it was 60 feet several years ago.

Lord: I saw you had some changes. I was trying to read them on line and that is why I wanted to ask about that.

Boehlke: The right of way for a road, he has 60 feet here.

Lord: I have 60 on one and 80 on the other.

Boehlke: The 80 is plenty. It used to be 60 feet. That is what the County dictated. I will have to check

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on that.

Bruno: What is a flag lot?

Court: That is like where you have a little bit of road frontage and then it goes out.

Lord: Their building set back would be back in here. Obviously, they have to build back in here. They couldn't build on the road frontage. They would have to build a driveway back in. That is why I gave that one 80 and the other one 60. I think I did read 60 somewhere. This one has a driveway already. That is why the lines sort of curve. It follows, there is a road going in there right now.

Boehlke: [Comment not understood; maps being shuffled.     Vadney: It is not more than 60 feet.

Boehlke: No, that is what I am saying.             Van Etten: Are there any wetlands back there?

Lord: There is one and I just walked it today really for the first time. The State shows a wetland. I have it in your packet. I gave out all my packets. The State wetland map, they show it coming in and possibly touching into the back of #14 here but I didn't find any signs. There is a stonewall right along the back and it is all dry, pines.

Van Etten: The lots are sizeable enough so even if there was, they can work around them.

Lord: Yes. I mean these are Federal wetlands in here, these pond areas and so forth but there is plenty of room to build. You are not going to impact them.

Van Etten: Are there any deed restrictions as far as further subdivision?

Lord: Yes, and I want to make sure; I wanted to talk to the Code Enforcement Officer so I wrote draft across them. I want to make sure that they do not conflict with your Zoning anywhere but only one dwelling per parcel. No Commercial uses.

Van Etten: Not even on the large parcels?

Lord: Yes. We try to build value into it. We do a lot, our Office is in Oneonta. We have done a lot in Delaware County, Otsego County, up around Cooperstown. Chuck Zwickel happens to be our attorney from Catskill. He has been our attorney for years and years; and somehow, we heard about this piece over here. This is my first time ever coming way over here in Greene County so I wanted to make sure those deed restrictions don't conflict with your zoning. We try to build value into that when somebody buys a lot, they know what is happening around them. Somebody isn't going to take a lot and make two or three more lots, so when they invest in a home, they sort of know what their surroundings are going to be.

Horn: Good idea.                     Board Member: Did you do Perk tests?

Lord: Not yet. This is just conceptual. This is the sketch map that we put together. We haven't started the surveying. We will do deep hole and PERK tests on every lot. We guarantee them buildable when we sell them. I did some preliminary digging.

Boehlke: Pretty rocky back in there.

Lord: Yes. I looked at the soil map and there to bed rock is your biggest—you have two to three feet to bedrock it says on the Soil map. I dug with a shovel two feet today in a couple of these spots. I was laying out where we would do the PERK test and deep hole tests and stuff and I was actually pleasantly surprised that the soil was actually what the map said. I thought it was going to be a lot tougher.

Horn: Why did you do some of these so big? Was there a reason? I mean 50 acres is huge.

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Lord: Well, your only other option would be to start building a road back in through and this is funny ground back in here. One, when you said it is really rocky and there is also all little pockets of wet back in here. You go up on the knoll and it is all nice; then you go through another pocket.

Van Etten: That is Earlton; the closer you get to Earlton.

Boehlke: Actually, that makes it more marketable. There are people that like the country and want a little acreage with it you know. Why then all two and a half acres all the time.

Lord: Exactly, they will sell good. The only other option was to put in a road. I explored it. I walked it to see if it made sense to build a road; but boy, these days, the cost of building a road, doing all the stormwater and drainage, engineering and so forth. By the time you are done, you don't really come out ahead. Lord: Like you said. People want a little elbow room.

Alfeld: Can I ask a question, please? What is the smallest lot and what is the largest lot?

Lord: Three acres is the smallest and 50 acres is the largest.

Alfeld: And more on the smaller side than on the larger side or is it well balanced?

Lord: They are well balanced. They are all over the place. We have ten acres, eight acres. The smallest is the three and a half right there. There are two 50 acres; there is a 25. There are several tens. That is one thing I try to do too. When I am walking the property, laying it out is trying to come up with all--we don't want all five acre lots. Tough for marketing, tough for selling. We try to have a variety. That is the kind of stuff I look for. I also look for what makes sense for building sites. I walk the land looking for where would you build instead of just putting lines on paper.

Court: In one area, there are beavers, one of the big areas or is that on the next parcel?

Lord: Right here; it is probably right here.

Van Etten: You mentioned there are Federal wetlands in there?

Lord: Yes, I mean there are all pockets of Federal wetlands. All of these little wet spots would be Federal wetlands.

Boehlke: You won't have any problem finding water back here. Lord: I didn't think so.

Boehlke: There is a little sulphur though believe it or not.

Lord: Is there? Boehlke: Yes, mild.

Lord: I looked at some well stuff on line. It didn't seem like they were that deep.

Boehlke: I know people who live back there. They are like 130, 150 feet down. They are not deep.

Lord: No, because it is usually deep. Over home where we are, it is the deep wells that hit Sulphur, when you start going 400.

Van Etten: If you start going deeper, you will get sulphur back there the further you go usually, most likely.

Lord: I looked at the DEC well logs on line and I picked out some. It seemed like they were all in the 100, 200 foot range over there. Lord: I try to look at all that stuff before we invest in a piece of property.

Horn: I didn't know it was on line.

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Lord: They do now. All the well drillers have to submit their well logs to DEC and it is actually pretty nice. You go on Google Earth and you can pull it up so you can see where your property is and they have them all picked; and then you click on them and it will tell you how deep it is and you can look at a radius around your property.

Vadney: Does it tell you if you can drink it?

Lord: Yes, actually, it has the quality and gallons per minute. It is actually really nice.

Vadney: In respect to these protective covenants, I mean these are really deed restrictions which we don't have anything to do with.

Lord: I just want to make sure that they don't conflict with your zoning law. I was trying to read about it on line. Camping trailers are the big thing. Does anyone know if you have anything in your zoning law as far as camping trailers?

Clerk: Yes, I think about parking them.

Van Etten: In your front yard.

Horn: They aren't supposed to be in front, right in front of your house.

Lord: But if you have a vacant piece of land, can you use it?

Horn: You mean park one and use it, to live in it?

Lord: To camp, to come up and camp for a weekend?

Vadney: Yes, I think they can.

Van Etten: I don't see why not.

Lord: Okay because we try to limit that so it doesn't.

[Several spoke at once.]

Lord: We don't want them on the property permanent; but I have run into some Towns that have zoning that already addressed trailers so we didn't want to put something in our deed restrictions that conflicted.

Vadney: I don't think there is anything in ours.

The Clerk advised the Board there was something in the Code regarding residing in a travel/camping trailer on property. There was a time limit and a special permit is/was required from the Town. She did not know if that had been changed at all or not.

Alfeld: Is this your first experience or how much experience have you got in doing these?

Lord: In doing this, well I am a licensed land surveyor. I closed up my surveying practice to work for New York Land and Lakes 20 years ago; and I have worked full time for New York Land and Lakes for the last 20 years doing just this. They have done projects—I have done projects; I have done stuff from the Adirondacks to down by Middletown.

Alfeld: Is Land and Lakes an auction service as well for some of their lands?

Lord: No.

Van Etten: Where is your Company based out of?

Lord: Oneonta.

Horn: So this is what your company does? It buys up pieces of property and develops them?

Lord: I work for them but that is what they do. They buy large parcels like this and they have a sales staff, they sell. So they have their own sales people. They market the lots and sell them.

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Boehlke: Did you say you did a search on that, a title search on that property yet?

Lord: That is in the process. It is happening right now. We just got a signed contract about a month ago, right before your last meeting that got snowed out. All the paperwork and stuff got signed so I am not sure if they have.

Boehlke: I heard that there were a couple of complications with the property there. I don't know.

Lord: Okay. That is good to know. I will make sure we check. Chuck Zwickel is doing the title. I got the surveyors ready to go but I like to meet with the Planning Board and make sure that I did not miss something big in your regulations or that you have some new regulation or whatever; but we are ready to hit the ground running with the survey crews and engineer, perk tests and stuff on the lots as long as you don't see any major flaws that we missed.

Planning Board Member: Not really. This is the way it should be done.

Horn: It is all one piece of property right now?

Lord: Right now.

Horn: When you bought it?

Lord: Yes, 260 acres. It is a pretty tough piece of property right now trying to walk it. These fields have all grown up in to honeysuckle that is almost like impenetrable but we will mow all that. We do quite a lot of cleaning of the property prior to selling.

Horn: Do you have a time frame in mind when you would be ready, if everything goes well with no problems?

Lord: Not really. The big thing is based on how long it takes to get through—I know we have to have a Public Hearing and we have to do this EAF and stuff. Every Town is a little bit different so I am trying to feel out a time line. I don't really have one set yet. You know if I had to guess, I would say probably June-ish.

Boehlke: How many of these lots have existing buildings on them?

Lord: Two.

Boehlke: Is it Lot #3 and Lot #8?

Lord: No, #10.

Boehlke: Oh, it is up in that corner.

Lord: They are up there in that corner, right in the corner.

Boehlke: I thought there was something down here.

Lord: There are several old stone foundations all over the property. There must have been quite a few buildings on it years ago.

Boehlke: What is the status with these two buildings?

Lord: Pretty rough.

Boehlke: Oh, they are abandoned?

Lord: Yes. Nobody has used them in a long time.

Alfeld: Do you plan to take them down?

Lord: No. We don't usually. I haven't studied them completely. That will be up to the owner of the company once we get cleaning up. We don't tear much down. We usually try to sell it and let the new owner. Now I had a house--There is a house on one property that I thought was going to fall down. Somebody bought the lot, they restored the house and it is gorgeous. I mean you got wetter from the rain inside the house than outside. The roof leaked and it just flooded down through but they loved the old staircase and everything in the house. They put it back together. We will clean up. We will mow around it, cut down all the trees, and so forth, clean up all the junk. There is quite a bit of junk around this house. We will probably need a dumpster.

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Van Etten: It is quite an irregularly shaped parcel.

Lord: Yes, but I like these because it fits well to make a variety of lots especially with the road frontage over here.

Board Member: This is 51?      Lord: No, that is Sodom Road; this is Old Kings.

Horn: This would be in our Fire District, Medway-Grapeville.      Lord: Yes.

Van Etten: Down there, do you have any questions?

[There were no questions from any of the Board Members.]

Van Etten: Well, when will you be coming back to the Board? You haven't closed on it, right? You said it is in process.

Lord: No. We are in the process of doing that but we have the waiver from them signed so we can move along with the approvals and so forth, so we are going to hit the trail running. I don't know that I would have the survey finished to submit to you next month. I would have all the soil testing done and everything.

Van Etten: You have your work cut out for you surveying that.

Lord: Yes, there actually was a survey done not too long ago. So we have a 2004. That brings up a couple of questions I had in your application because I read that you want the scale at one inch equals 100 or less but you can't have a map size bigger than 24 x 36. So it is going to be many, many pages of map. I didn't know if you would waive the scale on the map. I can give you an idea of what I would like to do is have it on two pages and this would give you a feel. That is 300 scale there. I would like to bring it up to 200 scale and put it on two pages. That is the way the survey was done before and these are one inch equals 200 feet.

Van Etten: Is that going to pose a problem when we send it down?

Clerk: That is one thing that I would have to check with the County on.

Van Etten: I don't think anyone here would be too concerned. It is just a matter of when it gets down to the County.

Lord: That would be all right with the County. I have filed stuff in a lot of different Counties. Some Counties have regulations. As long as you are not bigger than 24 by 36, like Sullivan County will not take a map bigger than 24 x 36. In Otsego County, I can file huge maps so we can put it all on one map; but just to try and stay with your regulations, I would not go bigger than 24 x 36. If I put it on two sheets and split like this down 51; but I would have to do it at one inch equals 200 feet.

Vadney: What do we have to do to allow him to do that?

Lord: That would be a waiver. I think you would have to approve a waiver to your regulations.

Van Etten: Why? Is there something in our Regulations that says that?

Lord: Your regulations say that it should be one inch equals 100 feet.

Vadney: So we should check and see.      Lord: It is right on, I highlighted that stuff right here.

Vadney: So you are figuring 200 feet to one inch?      Lord: Yes.

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Van Etten: And that would put it on two sheets?      Lord: That would put it on two sheets.

Boehlke: Yes, find out if that is the County or if that is a Town stipulation. If it just the Town, we can change that.

Clerk: What he is reading is from our Code.      Lord: Right.      Boehlke: The Town Code?

Lord: I am pretty certain it is the Town.      Vadney: This is our application.

Boehlke: We probably can take care of that. I don't know if this is probably because of the County.

Van Etten: I don't know. I am just wondering why—most parcels aren't this big so they would not have this issue.

Lord: That is pretty typical. That is a standard waiver that almost every subdivision regulation I ever read says one inch equals 100. 24 by 36 that is only in a few. Sullivan County doesn't let you file a map bigger than 24 x 36. They don't want any bigger maps than that for their filing cabinets.

Van Etten: As long as it is not an issue when you get down to the County. That is the only thing I am concerned about.

Lord: I will call and check with them.

Clerk: I don't know whether they have that on their website or not. I haven't looked.

Lord: I will call the County Clerk for filing. I just didn't want to get my maps all done and then come back, you check the block and say, oh, no, they are the wrong scale.

Van Etten: I would certainly entertain a motion to accept 200 to one. It makes sense. I just don't want you to get down the road and have a problem.

Lord: I will call the Clerk and check from that end.

Van Etten: You want to do that and come back or would you like to know that tonight?

Lord: I would like to know that tonight so I can get the maps going.

It was moved by Vadney and seconded by Boehlke that **we allow the map scale for this major subdivision to be one inch equals 200 feet as opposed to the one inch equals 100 feet.**

AYES: Van Etten, Vadney, Horn, Court, Bruno, Boehlke, Salisbury

NAYS: None

ABSTAINED: None

ABSENT: None

Lord: Then the other couple of things that I had highlighted. You asked for topography at five foot intervals.

Van Etten: Yes.      Lord: Would you accept 10-foot intervals? I mean I could interpolate it down.

Van Etten: Five-foot intervals is crazy.

Lord: This is 20-foot on here but we blow them up. I could interpolate them down to 10 or whether 20 is good. I don't know what—that is your call.

Van Etten: I think 20 is plenty. What does everyone else think?

[All Board Members were in agreement.]



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Board Member: It is supposed to be five and you are looking for 10?

Van Etten: For some reason or other, we have five-foot intervals. My God, around here, if you have five-foot intervals.

Lord: When they go to do their site plan, they are going to have to have to do something more when they figure out where their site is going to be.

Van Etten: You okay with ten?

Lord: Yes.

It was moved by Van Etten and seconded by Boehlke **that the Board would accept 10 foot on the elevations.**

AYES: Van Etten, Vadney, Horn, Court, Bruno, Boehlke, Salisbury

NAYS: None

ABSTAINED: None

ABSENT: None

Lord: The only other question that I had highlighted there was about dedication of public lands for public use. I don't really have anything.

Van Etten: I am not following that.

Lord: Is there a parkland fee or anything?

Vadney: There is nothing in our Code that requires it in a major subdivision. Horn: No, not anymore.

Van Etten: We had a change and I think this is falling back on a previous zoning. That is gone.

Lord: I think those were my only questions I came up with.

Vadney: Who did the last survey in 2004?

Lord: He was from Hudson.

Clerk: Ihlenburg?

Court: Let me ask a question. The conservation subdivision or the set asides--We brought our Code Books in tonight to get them updated and that language, I mean how does that read now?

Van Etten: It is voluntary now. It is voluntary on their behalf, not imposed by us. It is totally voluntary. If somebody wanted to do it, they could do it. It is not mandatory like it was previously. That was one of the big changes in the Zoning.

Lord: Any other questions for me? Van Etten: If nobody on the Board has any. Horn: Not right now.

Lord: What do you need to get the Public Hearing scheduled? I know that usually takes a month. You schedule it at one meeting and it doesn't happen until the next month.

Van Etten: Where are you at with your paperwork? You have an application in?

The Clerk advised the Board that Mr. Lord had submitted completed Application for Classification of Sketch Plan and she believed that the Board could move to classifying the subdivision this evening. The sketch plan can be as simple as a blown up tax map section. It was noted that what had been submitted was far beyond that. After classification, the next maps submitted would be the preliminary maps. The initial fee of \$100 plus \$30 per lot would be due with that submission. The Clerk cautioned that approval of preliminary maps is not final approval of the subdivision.

Lord: Now normally, and I believe I read in your Code Book, that you have to have a Public Hearing before the preliminary approval.

Clerk: Yes, but I am just stating that the approving of that should not be construed as the final approval of the subdivision.

Lord: Correct.

Van Etten: You have to close on the property?

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Lord: Yes. We will get the survey finished. Clerk: Do you want to classify it?

Vadney: We have to make a motion to classify it as a major subdivision?

Clerk: Well, otherwise, it is going to be you haven't done that when he comes with the next step in the process.

Horn: We should move it along. Van Etten: If it helps move it along, certainly.

It was moved by Vadney and seconded by Court **that upon review of the application to classify it as a major subdivision.**

AYES: Van Etten, Vadney, Horn, Court, Bruno, Boehlke, Salisbury

NAYS: None

ABSTAINED: None

ABSENT: None

Alfeld: Well, I would like to know if in fact he said that he had an appointment or a Waiver from the owners of the property. Are we talking about a power of attorney for these people?

Lord: No, the Town has a consent form. It is the Town of New Baltimore form that the owners of the property signed giving us permission to come to the Planning Board and present an application.

Vadney: And it is notarized. Alfeld, Oh, it is, okay.

Mr. Egan advised he had Part 1 of the Environmental Assessment Form completed. The Clerk asked that it be submitted at this time so copies could be made for the Board Members review. Question was raised as to whether it was the Short or Long Form and noted it was the Long Form since it is a sizable project.

Horn: You have done a good job in dividing this all up. Our other big subdivisions, lots have sold but nobody has built. So we have several in the Town.

The Clerk pointed out that there are houses on a few of the lots.

Lord: That is pretty typical in our developments. I just did a big 1,000 acre project in the Adirondacks two years ago. They asked me for a build out. I went back through and did a survey of all our projects. Working for them for 20 years, I had a good hindsight. I went back through and I set the bar at a ten-year. Ten years from the time they were sold, there is about a 30% build out. So we figure if there are three or four houses in ten years out of the 16 lots.

Board Member: Then we are on par with the other subdivisions.

Lord: I talked to a gentleman yesterday. He bought a lot from a subdivision ten years ago. He said we are getting ready to retire, I need a copy of the map and everything again. We are doing our building plans. I thought it was interesting. Right on the mark ten years later he is getting ready to build.

Mr. Boehlke commented that people buying lots in subdivisions have concerns about water and septic. Mr. Lord advised all lots will have perk tests and he would get from the DEC site the water information.

Mr. Lord will let the Clerk know when he is ready to come back before the Planning Board.

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**Adjournment**

Immediately following the close of the meeting, the Board Members would be completing the required annual Workplace Violence and Sexual Harassment in the Workplace training.

At 7:45 p.m., it was moved by Vadney and seconded by Court to adjourn the meeting.

AYES: 7    Nays: 0    Abstained: 0    Absent: 0

Respectfully Submitted,  
Marjorie Loux, Clerk