

Town of South Bristol Planning Board Meeting Minutes DRAFT
Wednesday, September 16, 2026

Present David Bowen
 Daniel Crowley
 Jason Inda
 Cody Koch
 Bruce Mackie
 Michael McCabe
 Frederick McIntyre
 Paul Miller

Excuse Sam Seymour

Guests In-person: Jeff Hall, Bill Grove, Shawn Ritchie
 Zoom: Meg Fuller

Call to Order

The meeting of the Town of South Bristol Planning Board has been called to order at 6:30. All Board members were present except for Sam Seymour.

Reading of Vision Statement

David Bowen read the Comprehensive Plan Vision Statement.

Meeting Etiquette

Not reviewed.

Meeting Minutes

David Bowen made a motion to approve August 19, 2026, meeting minutes as written. Frederick McIntyre seconded the motion. The motion was unanimously adopted by all Board members present.

Old Business

Public Hearing

Site Plan Approval Application 2026-0008

County Planning Board Referral: Exempt
Owners: Jeffrey P. Hall
Representative: Jeff Hall
Property: 6541 S Gannett Hill Rd
Tax Map: 184.00-1-68.111
Zoned: R-3 (Residential Three Acres)

Chairman Bowen: You can approach the table gentlemen.

Diane Graham: Can I ask whoever is going to do the most speaking be in front of the microphone. Thank you. I had a hard time hearing you at the last meeting.

Jeff Hall: Yes. You told scolded me this week.

Chairman Bowen: Can you read the public hearing notice?

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Diane Graham: Yes.

Legal Notice of Public Hearing

Please take notice that the Town of South Bristol Planning Board will hold a public hearing on the following application:

2026-0008 for property owned by Jeffrey P. Hall located at 6541 S. Gannett Hill Road, tax map 184.00-1-68.111. The applicant/property owner is looking for site plan approval to construct a 1,280 square foot two-bedroom single-family residence, 576 square foot attached two-car garage, septic system, and drinking water well.

Said hearing will take place on the 16th day of September 2026 beginning at 6:30 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

The application is located on the town website under important documents and notices / board meeting documents.

Interested parties may provide written comments, appear in-person or by Zoom.

Chairman Bowen: Thank you. Public hearing is now open. I know we know who you guys are, but can you identify yourselves and I know we know your project but briefly describe for the meeting minutes, please.

Jeff Hall: My name is Jeff Hall. I own the property and I am looking to build a second residence on it for my mother as described in the previously by Diane. Is that good?

Chairman Bowen: Yep. That's fine.

Bill Grove: I am Bill Grove the engineer.

Chairman Bowen: Planning Board requested at the last hearing that you submit an amended site plan to increase size and height of house and garage to be ADA compliant or wheelchair useable. You have now done. I think we have a copy of that site plan. I think Bill, as you mentioned, there was some setbacks that needed to add, and we got all those, right?

Bill Grove: Yes. That's been adjusted.

Chairman Bowen: So, we got the amended site plan dated August 20, 2026. Amended both house and garage dimensions, height, lot coverage, and setbacks. It is a two-bedroom house of 1,280 sq ft, two-car garage 576 sq ft, height 20 feet. Does the Board have any questions or comments? Anybody issue any written comments?

Diane Graham: No.

Chairman Bowen: Anybody on Zoom?

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Diane Graham: No.

Chairman Bowen: In that case I will declare the public hearing closed.

This application is exempt from County Planning Board referral recommendation and comments.

Septic system review and approval that was required and it received a design approval and got a letter dated July 10, 2026.

Storm water and erosion control measures recommendations are not required.

We are not in a steep slopes area so non permit application is required.

There is no NYS DEC Threatened and Endangered Species determination required.

No determination from NYS Parks & Recreation and Historical Preservation archeological site is required.

No agricultural active farms within 500 feet. Owner at 6460 St Rt 64 is in the forestry program but does not have a forest exemption on the property.

There is no floodplain determination and no floodplain development permit required.

Applicant received board approval for a special use permit to have a second residence on the same lot on August 19, 2026, whereby the code enforcement officer issued a Special Use Permit 2026-0040.

Under SEQR I declare this to be an unlisted Type II action under paragraph 617.5 (c)(11), *“the construction of a single family residence on an approved lot including provision for necessary utility connection and the installation of a drinking water well and septic system”* with no further environmental review required and I’ll ask the Board’s permission to answer SEQR questions 1-13 with no or small impact and sign on behalf of the Board.

Can I get a second?

Daniel Crowley seconded motion.

All in favor.

Ayes 6, D. Bowen, D. Crowley, B. Mackie, M. McCabe, F. McIntyre, P. Miller
Nays 0

Diane Graham: I just want to let Bruce know that he is voting tonight. Okay. I want to ask if this is correct, an unlisted action?

Chairman Bowen: It is not. That is a typo that was in there because the special use permit was unlisted, so it is simply a type II action under 617.5 (c)(11).

Diane Graham: Thank you.

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Motion carried.

Chairman Bowen: Based on the application submitted, revised site plan dated August 20, 2026, and testimony provided at the August 19th meeting, and the documentation that has been submitted with the application, I will make the following findings:

1. The proposed project is consistent with the comprehensive plan of the Town of South Bristol.
2. The proposed project is consistent with the zoning district in which the project is located, which is R-3.
3. The proposed project will not have an adverse impact on the physical or environmental conditions of the district.
4. The proposed project will not adversely affect the character of the neighborhood.

Could I get a motion to approve findings 1-4?

Frederick McIntyre made a motion to approve. Paul Miller seconded motion.

All in favor.

Ayes 6, D. Bowen, D. Crowley, B. Mackie, M. McCabe, F. McIntyre, P. Miller

Nays 0

Motion carried.

David Bowen: I request a motion to approve the preliminary and final site plan approval amended application.

Daniel Crowley made a motion to approve the preliminary and final site plan approval amended application.

Chairman Bowen: Thank you, Mr. Crowley.

Diane Graham: Do we have a second?

Frederick McIntyre seconded the motion.

Chairman Bowen: Thank you, Mr. McIntyre.

Diane Graham: How do you vote?

David Bowen: I vote aye.

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Daniel Crowley: Aye.

Jason Inda: I think I have to abstain from this one because I wasn't here for the first meeting.

Diane Graham: We did a preliminary at the last meeting. Were you here last meeting?

Jason Inda: I was here last meeting, but I wasn't here for the original first meeting. I think we kind of tabled some stuff. Out of an abundance of caution, it would be better if I abstain.

Diane Graham: Okay. That means Cody will be jumping in.

Cody Koch: I was not here at the last meeting.

Diane Graham: Oh, that is true. You weren't.

Cody Koch: I was here for the first meeting.

Diane Graham: We did a second preliminary.

Bill Grove: You get half a vote.

Chairman Bowen: The preliminary on this site plan, the revised one, was last meeting.

Diane Graham: I figured he could because he was here.

Chairman Bowen: I think he can, but if he wants to abstain that is fine. We have a quorum and plenty of voters.

Diane Graham: Okay.

Michael McCabe: Aye.

Frederick McIntyre: Aye.

Paul Miller: I have the same question. I was not here for the first, but I was here last month.

Diane Graham: So, we are doing the site plan approval based on the amendment, so you heard the information?

Paul Miller: Right. Yes. I vote aye.

Diane Graham: Alright. Thank you.

Bruce Mackie: Aye.

Diane Graham: Was Cody here at the last meeting? You were not. Okay. Six ayes. Motion carried.

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Chairman Bowen: Amended application is approved so per town code you will need to obtain a building permit and start your project within six months of board approval.

If the project has not started within six months of approval, you must submit a written request for a one-time six-month extension to the board assistant Diane to attend the next available board meeting to receive approval for an extension.

If a year has passed since the date of approval, you will need to start the board application process over.

Bill Grove: Thank you.

David Bowen: You're welcome. Good luck. Thank you.

New Business

Site Plan Approval Application 2026-0009

County Planning Board Referral: Exempt

Owners: Ebenstone LLC

Representative: Shawn Ritchie

Property: 6195 Blackberry Drive

Tax Map: 178.00-1-38.220

Zoned: LR (Lake Residential)

Chairman Bowen: Good evening, Mr. Ritchie. How are you?

Shawn Ritchie: Good. I would like Bill Grove to represent me tonight, if that is okay.

Bill Grove: Cha-ching.

Shawn Ritchie: Actually, Anthony Venezia was going to be here, but he texted me that he cannot be here. I was going to be his side kick, but I am happy to give it a shot, give a go.

Chairman Bowen: Before we get rolling here did you talk to Scott Martin today.

Shawn Ritchie: I have not. No.

Chairman Bowen: Okay. We have an issue. At any rate I will give you a chance to describe your project to the board.

Shawn Ritchie: We are in the process of applying for a permit to put a dock in at 6195 Blackberry Drive. Similar to a project and dock we put in a couple of years ago on the property next door. The house is done and the plans are very similar to what we did couple years ago – same size dock – same kind of arrangement. So, now we are ready to get the dock in this fall or spring or whatever we can get approval for it. As far as I know and application is concerned, I think we have all the information on the plans that is required for a dock. I know Anthony has been through this process many times, so I trust his judgment, but certainly up for any questions or concerns that you have.

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Chairman Bowen: Okay. Just off the bat we do need an archeological site determination, which I am assuming has been requested but they have been lately slow in coming.

Shawn Ritchie: Okay.

Chairman Bowen: That is from Parks, Recreation & Historic Preservation. Diane, did you say they actually got the request in?

Diane Graham: They submission accepted. I have not seen or received the actual determination. That was August 20th.

Chairman Bowen: We have had issues with the last couple of months.

Diane Graham: I think it was around August something.

Shawn Ritchie: Okay. That has been submitted, but we are waiting on DEC?

Diane Graham: Yes.

Chairman Bowen: No. Archeological is Parks, Recreation.

Diane Graham: Sorry.

Shawn Ritchie: Okay.

Diane Graham: I do not know if there is something that they need.

Chairman Bowen: There were initially the CEO made a comment on this dock and that it complied with UDM. I reviewed it and I found that it didn't because of excessive square footage. I sent him an email, and he got to it today. He looked it over and concurred we came up with different numbers, but I had an error in my calculation, and he had an error in his, but we have corrected those and it is still over.

Shawn Ritchie: Okay.

Chairman Bowen: When I initially looked at it for whatever reason I think it is failing eyesight and inability to get the site plan enlarged enough I had the main walkway at 60 by eight feet and its actually 60 by six. I had it over by 120 feet. At any rate when you add up all of the main components and the appendage which the appendage is fine. It's at the maximum that's allowed. You are within the minimum or not the minimum but there is a maximum in the code, and you are right at it, which is fine. You are in a steep slopes so you get 200 extra square feet, which a boat structure can go into that 200 feet. You have 120 for that so that you are within that, but when you total it all up 720 feet is allowed. You get another 200 for a total of 920 and with all your components you are at 972. So, you are over by 52 square feet.

Shawn Ritchie: Alright. That is solvable but we will get that taken care of.

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Chairman Bowen: Configuration somehow. How you choose to do it maybe shorten the t and get rid of, I forget what they call it, call them i's and t's I guess. The walkway is around the slip or shrink your appendage by a foot or something.

Shawn Ritchie: Right. A little bit embarrassing.

Chairman Bowen: Unfortunately, at that point that makes your application basically unacceptable because you do not comply. I think Scott did talk to Anthony today. So, I do not know what discussions they had. I think he indicated that there would be some configuration of some kind. We would need that before can go ahead with preliminary and mark it as complete. We simply cannot accept an application that doesn't comply. Docking and moorings law is unique in that it can't go to the Zoning Board. There is no way to get variances. It is what it is.

Shawn Ritchie: Right. That's fine and fair. I understand so we will get that taken care of and we will see you in a month. Besides that, and the site determination was there any other entities missing?

Diane Graham: Whatever you come up with, I do not know if you want to say the last one.

Chairman Bowen: By the way just before we close up if the Board has any comments or questions for you. I want to open it up to them. Whether there were other things they noticed.

Diane Graham: I gave everybody a copy of that.

Daniel Crowley: Scotts revised.

Diane Graham: Yes. It was put in there today, so I wanted you to see it.

Bruce Mackie: I have a question about this side setback for the tram. Is that grandfathered in because it was approved?

Chairman Bowen: It is my understanding that the code enforcement officer made a determination on that prior to today. It was a couple of weeks ago. I think just paraphrasing here because I did not actually speak with him in detail about it, but it is my understanding that it was on the site plan for the construction of the home. I was on the board at that time. I think several other people here were as well. We were focused on a lot of other issues other than the tram. The Town of South Bristol does not regulate tram construction, so we do not have any part of our code that regulates trams so its always been kind of a hands off. Under the circumstances I think the Board lost focus so to speak at the time because we were dealing a wall possibly using earth rather than a wall for backing up the house. It was parking issues. There was driveway issues. Basically, we dropped the ball on that. It is my understanding not that this is a way to wiggle out of it, but your partner owns the property next door.

Shawn Ritchie: Well, Ebenstone LLC owns the property right now.

Chairman Bowne: Your LLC owns the neighboring property to the south?

Shawn Ritchie: Yeah. There are two properties under Ebenstone LLC.

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Diane Graham: No, the one to the south.

Shawn Ritchie: Oh, the one to the south of that. That is correct.

Chairman Bowen: Where the tram stationed is seven feet rather than the ten that is required.

Shawn Ritchie: Right.

Chairman Bowen: The thought that there is not going to be an objection to it. The easiest way to solve that problem is to make a boundary line agreement and move the boundary line so it complies with the setback.

Shawn Ritchie: Right.

Chairman Bowen: I think given that the property is owned by somebody who is not going to complain about it. It is water over the bridge.

Shawn Ritchie: Okay.

Chairman Bowen: Technically, it is in violation.

Shawn Ritchie: Yeah. I remember walking through it with the Board a number of years ago in detail. It was my first rodeo going through this process and relied heavily on your guy's expertise and Scott for that guidance of what we could do where. Bill Grove when we designed this site plan, so everything was on the site plan. We did not pull a fast one or sneak something in after the fact. It was pretty obvious. You look at the minutes, and we talked about the tram throughout the process, and it is documented so you were aware of it. I want to do everything the right way with integrity, honesty, and upfront and never have the impression like your taking advantage or doing something that wasn't approved but that is my take on it. We are going with where you told us to put the tram. If we put it somewhere else that would be a problem then we agreed to on a site plan.

Chairman Bowen: Technically, if the board had picked up on it we would have sent you to the Zoning Board of Appeals for a variance or you could have done a boundary line agreement to move the property line. None of that was done. Site plan was approved.

Shawn Ritchie: Right. We didn't know what the policy was and that is what you told us at the time. I cannot go back to determine what you might have done a couple of years ago. I just know what we talked about and walked through it. Going forward I am in the tram business, so it is important to me that we do things the right way always. I will be here again talking about a project down the road and want to make sure we know the regulations and rules are.

Chairman Bowen: We will be watching for the setback on that tram. Sorry Bill, you raised your hand.

Bill Grove: I just have a question. Procedurally will Shawn still have to come in for two more meetings for his dock project, or can you schedule the public hearing tonight so that you can do preliminary and final in one more meeting? Maybe it doesn't matter. Timing wise it is not a big deal, but it seems like shaving 100 some square feet off the dock is pretty minor. It's got to be done, or he will not get a permit.

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Chairman Bowen: Unfortunately, we can't even consider the dock that does not comply so the way I am looking at this and think the way we have to look at it it's the application is defective. We cannot even do a preliminary. Sort of like the procedure with the last situation. There is going to be a public hearing, and we want to make sure there is an airing on the record before that. So, anybody who may have a concern even though you have already mentioned that the neighbor immediately to the south probably doesn't have an issue.

Bill Grove: Does the application say 720 or 920 square feet?

Diane Graham: Yes.

Chairman Bowen: I forget what the dimension are, but they are incorrect.

Bill Grove: They don't match the drawing?

Chairman Bowen: They don't match the drawing and they don't match. I guess they would comply with the UDML if those were the actual dimensions, but they are not. It is probably best to revise the application because the SEQR form also is filled out with those incorrect dimensions. Both of those pieces of paper really ought to be refilled out, and the site plan corrected.

Shawn Ritchie: And that archeological feedback we need as well. Those are kind of the three.

Chairman Bowen: I used to make Diane has kind of poking me about it. I kind of made a hard rule. In order for an application to be complete that should be in first.

Shawn Ritchie: Okay.

Chairman Bowen: We know they have been delaying things for whatever reason whether it is state budget overrun this year or what it was. We are getting them in before the public hearings. I hate holding things up because of that. Something that we know we are going to get anyway.

Shawn Ritchie: Alright. Great.

Chairman Bowen: Okay?

Shawn Ritchie: Thank you very much. Appreciate it. See you in a month.

Chairman Bowen: See you next month.

Proposed Ban on Data Centers Ordinance

The Board reviewed a proposed town law to ban data center construction, which had been discussed at a recent Town Board meeting with unanimous public support. Meg Fuller joined via Zoom.

- The Board Chair attended the Town Board meeting by Zoom; reported all public speakers were in favor of the proposal and no opposition was voiced.

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- Meg Fuller: Expressed concern about the enforceability and breadth of the definitions, noting that normal business servers, town hall servers, and residential gaming setups could technically fall under the proposed definition of a "data center."
- Agreed the definitions are overly broad and noted:
 - Item 5 conflates the definition of a data center with an artificial intelligence computing facility, which should be separated.
 - Broad exclusions should be added for pre-existing computer equipment used by businesses and the town itself.
 - A minimum power consumption threshold (e.g., 5 megawatts) should be established, though the document is unclear on whether this is metered consumption or peak load.
 - Any Planning Board recommendation and the ordinance should reference consistency with the town's comprehensive plan.
- Discussed the need to establish a minimum power threshold so that normal business operations (e.g., a business hosting its own website) are not inadvertently prohibited. Water usage was also raised as a potential additional criterion.
- The Board Chair noted the legal methodology (defining data centers and placing them in the prohibited uses section of the code) is sound and consistent with approaches taken by other municipalities, with no known successful litigation against such bans.
- Meg Fuller: Indicated the law was drafted by town attorney Town Supervisor, drawing from a New Jersey law and local precedents. The Board Chair suggested consulting Dan Marcellus (town IT contact) for technical input.
- Chairman suggested board members with comments submit recommendations to him by email for consolidation into a report to the Town Board. Confirmed the Planning Board is not in a position to vote on a recommendation of the law yet due to concerns about the definitions.
- Meg Fuller: Confirmed she would speak with Dan Marcellus and pass along any relevant input.
- **Conclusion**
 - The data center ban proposal was tabled pending redrafting.
 - The board agreed the legal methodology is sound, but the definitions require significant narrowing.
 - Board members with comments will submit recommendations by email to Board Chair for consolidation.
 - A revised draft is expected before the next meeting; the board will then consider a formal recommendation (resolution) to the Town Board.

Proposed Dark Sky Ordinance

The board conducted a detailed working review of a draft outdoor lighting ordinance compiled from ordinances of the Town of Southampton, Town of Canandaigua, Town of Pittsford. The Board also reviewed ordinances from the City of Glens Falls, and Town of New Scotland.

- **Purpose, Intent, and Applicability**
 - Explained the ordinance addresses three types of light issues: light trespass (light crossing property lines), sky glow (light reflected into the atmosphere), and light glare (direct unshielded beam light).
 - Agreed on the purpose and intent section as written, including the environmental goal language regarding flora and fauna.

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- Clarified the ordinance applies to new exterior lighting installations and to expansions or replacements of existing fixtures; pre-existing fixtures not causing trespass or nuisance are not required to be changed immediately.
- Agreed that compliance for pre-existing non-conforming lighting should be triggered by notification from the code enforcement officer (CEO), not by the effective date of the ordinance alone.
- **Measurement Standards — Foot Candles vs. Lumens**
 - Confirmed with CEO Scott Martin that the town does not currently own a light meter; noted meters are available for \$30–\$50.
 - Agreed that an objective measurement standard (foot candles) should be included to avoid subjective enforcement decisions.
 - Raised the question of whether lumens or foot candles are more appropriate; discussion clarified that lumens measure total light output while foot candles measure light intensity at a given distance, making foot candles more relevant for measuring trespass at a property line.
 - Agreed to retain foot candles as the measurement standard.
 - Noted the Town of New Scotland ordinance uses 0.1 foot candles at the property line, which may be too restrictive; suggested one foot candle may be more reasonable.
- **Exemptions**
 - Agreed that fixtures producing 900 lumens or less (equivalent to a 60-watt incandescent bulb) should be exempt, provided they do not cause glare on adjoining roadways or result in light trespass.
 - Noted the agricultural exemption is likely superseded by New York State Agriculture and Markets Law (Article 25-AA), which takes precedence over local law; agreed to review the relevant state statute.
 - Discussed adding a catch-all provision acknowledging that exemptions established under superseding state law take precedence.
 - Agreed to add an exemption for flagpole lighting (for illuminating the American flag at night), subject to lumen limits.
 - Holiday lighting and temporary lighting for road work and emergency activities were noted as existing exemptions in the draft.
- **Height Limits**
 - Noted the draft sets residential lighting fixture height at 18 feet, which was considered too low.
 - Agreed to align the residential height limit with the maximum permitted building height in the applicable zoning district (35 feet town-wide).
 - Discussed commercial and PUD height limits (currently 26 feet in the draft); noted that Bristol Mountain's parking lot light poles likely exceed this. Agreed that no fixture should be installed higher than the height permitted for structures in the applicable district; anything higher would require a height variance.
- **Prohibited Lighting**
 - Agreed the prohibited lighting section (moving, revolving, flashing, laser-source lights) is appropriate and consistent with other ordinances reviewed.
- **Submittal Requirements — Lighting Plans and Illuminance Plans**
 - Explained the distinction between a lighting plan (showing fixture locations) and an illuminance plan (showing light throw/distribution beyond the parcel boundary).

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- Agreed to change "shall" to "may" for lighting plan requirements for site plan and special use permit applications, giving the planning board discretion rather than imposing a blanket requirement.
- Discussed removing the requirement for lighting plans tied to additions exceeding 25% of pre-existing square footage or 25% of lot coverage (Section 2 of non-conforming provisions), ultimately leaning toward deletion to avoid burdening residents making modest additions.
- Added a provision (F5) that the CEO shall not issue certificates of non-conformity to properties whose outdoor lighting constitutes light trespass or nuisance lighting; board expressed support.
- **Waterfront and Dock Lighting**
 - Noted input from Board Member, Sam Seymour (who was not present) emphasizing concern about light directed outward across the lake.
 - Agreed to include a provision prohibiting light directed outward across the lake (Section K6).
 - Agreed to remove the specific "3 feet above dock" height limit from Section K1, replacing it with a requirement that dock lights be directed downward and be full cut-off fixtures.
 - Noted that dock lighting carries electrical safety risks (electrocution hazard near water) and that solar dock lights are a preferred alternative.
- **Penalties and Enforcement**
 - Noted the penalties section should be reviewed against existing code provisions for consistency; the town typically uses regular mail plus certified mail rather than hand delivery.
 - Agreed the \$250 per day civil penalty structure is standard; noted that in practice, most violations would be resolved by simply turning off the offending light.
- **Standalone Ordinance vs. Zoning Code**
 - Raised the question of whether the ordinance should be a standalone law or incorporated into the zoning code; noted that placement in the zoning code would allow the ZBA to grant variances, which could undermine enforcement.
 - Noted the draft will be sent to town attorney Jeff for formatting once the Town Board approves a final version.
- **Conclusion**
 - The Board agreed to continue working from the current consolidated draft and discard the other reference ordinances for working purposes.
 - Chairman will prepare a revised draft for board review within the next few weeks.

Motion to Adjourn

Being no further business, Daniel Crowley moved to adjourn the meeting. Jason Inda seconded the motion. The motion was unanimously adopted, and the meeting was adjourned at 8:59 pm.

Respectfully submitted,



Diane Scholtz Graham
Board Assistant