# Village of Lansing Planning Board Meeting December 9, 2013

- 1 The meeting of the Village of Lansing Planning Board was called to order at 7:32 P.M. by Chairman
- 2 Mario Tomei.
- 3 Present at the meeting were Planning Board Members Maria Stycos, Phil Dankert, Lisa Schleelein;
- 4 Alternate Member, Deborah Dawson; Code Enforcement Officer, Marty Moseley; Village Trustee
- 5 Liaison, Lynn Leopold; Village Attorney, David Dubow; and Citizen Observer, Carolyn Greenwald.
- 6 Absent: Jon Kanter.
- 7 Tomei appointed Dawson as an acting member for the meeting due to the absence of Planning Board
- 8 member Jon Kanter.

### 9 Public Comment Period

- Tomei opened the public comment period. With no one wishing to speak, Dankert moved to close the
- public comment period. Seconded by Stycos; Ayes by Tomei, Dawson, Dankert, Schleelein, and Stycos.

### 13 Public Hearing to Consider Special Permit #2799

14 Tomei opened the public hearing to consider:

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- 16 Special Permit #2799, Capital Telecom LLC, to construct a telecommunications tower and approximately
- 17 a 12' x 30' primary structure for equipment at the site of the Cayuga Mall at 2309 North Triphammer
- 18 Road, in the Commercial High Traffic, Tax Parcel No. 46.1-5-4.2. Special Permit is required pursuant to
- 19 section 145-60K of the Village of Lansing Code. This hearing is being re-noticed and re-heard in order
- 20 to cure an inadvertent omission to provide mail notice to three landowners for the original hearing (the
- 21 matter was originally noticed for, and heard on, October 29, 2013).
- 22 Capital Telecomm LLC proposes to construct a telecommunications tower and a primary structure of
- 23 equipment at the site of the Cayuga Mall in the commercial high-traffic area. This is a re-notice in order
- to cure an inadvertent omission to provide mail service to three landowners in the original hearing.
- 25 Moseley indicated he has received the receipts of the proof of mailing.

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- Dubow explained the issue necessitating the reaffirmation to the Board members. There were no
- 28 questions.

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- 30 There being no further input from the public, Stycos moved to close the public hearing. Seconded by
- Dawson. Ayes by Tomei, Dawson, Dankert, Schleelein, and Stycos. Nays: None.

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- Tomei read the Reaffirmation Resolution for Special Permit #2799.
- Dawson moved the following special permit reaffirmation resolution, seconded by Schleelein:

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| 37<br>38       | VILLAGE OF LANSING PLANNING BOARD REAFFIRMATION RESOLUTION FOR SPECIAL PERMIT NO. 2799 ADOPTED ON OCTOBER 29, 2013 |  |
| 39<br>40<br>41 | Motion made by:  | Deborah Dawson   |
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| 43             | Motion seconded by:  | <u>Lisa Schleelein</u>   |
| 44<br>45       | WHEREAS:   |  |
| 46             |  |  |
| 47             |  | er involves consideration of the following proposed action: Special  |
| 48             |  | 7799, Capitol Telecom LLC., to construct a telecommunications tower  |
| 49             | 1 1  | eximately a 12'x30' primary structure for equipment at the site of the   |
| 50             | , ,  | Iall at 2309 North Triphammer Road, in the Commercial High Traffic,  |
| 51             |  | el No. 46.1-5-4.2. Special Permit is required pursuant to section 145-   |
| 52             | 60(K) of the   | he Village of Lansing Code; and  |
| 53             |  |  |
| 54             |  | per 14, 2013, the application materials for the proposed action were   |
| 55<br>56       | -  | by the applicant and its consultants for preliminary review by the f Lansing Planning Board, at which time such materials were |
| 57             |  | rily evaluated, questions were posed and responses offered, and public   |
| 58             | -  | were permitted, after which the Board determined that a public hearing   |
| 59             | thereon sh   | nould be scheduled; and  |
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| 61             |  | er 29, 2013, the Village of Lansing Planning Board opened a public   |
| 62             | S v  | or the initial purpose of (i) eliciting public comment on environmental  |
| 63             |  | garding this proposed action, and (ii) reviewing and evaluating the  |
| 64             |  | and information presented by and on behalf of the applicant in support   |
| 65             | of this pro  | posed action; and  |
| 66             |  |  |
| 67             | D. On Octob  | er 29, 2013, the Village of Lansing Planning Board, in performing the  |
| 68             |  | cy function for its independent and uncoordinated environmental review   |
| 69             | in accorde   | ance with Article 8 of the New York State Environmental Conservation   |
| 70             |  | e State Environmental Quality Review Act ("SEQR"), (i) thoroughly  |
| 71             |  | the Full Environmental Assessment Form (the "Full EAF"), Part 1, any   |
| 72             |  | ther documents prepared and submitted with respect to the proposed   |
| 73             | action an  | nd its environmental review [including any Visual Environmental  |
| 74             | Assessmer  | nt Form deemed required, comments and recommendations, if any,   |
| 75             | provided i   | by the Tompkins County Department of Planning in accordance with   |

General Municipal Law Sections 239-l and -m]; (ii) reviewed environmental related comments from the public; (iii) completed its thorough analysis of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); (iv) completed the Full EAF, Part 2 (and, if applicable, Part 3); and (v) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the proposed action and determined that an Environmental Impact Statement would not be required; whereupon, having completed the SEOR review and having made its SEOR determination, it was established that the special permit application was complete; and

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E. On October 29, 2013, the Village of Lansing Planning Board thereafter continued the public hearing on the proposed action and further reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of the proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board (including, if applicable, comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-l and -m), (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations, and (iv) possible modifications and/or conditions that might be imposed in conjunction with any special permit approval to be granted, whereupon, the public hearing was closed; and

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F. On October 29, 2013, in accordance with Section 7-725-b of the Village Law of the State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60, including subsection K thereof specifically relating to special permit requirements and regulations for telecommunications facilities), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61); and

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G. On October 29, 2013, the Village of Lansing Planning Board found (subject to the conditions and requirements set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60, including specifically subsection K thereof relating to special permit requirements and regulations for

telecommunications facilities), and (iii) any applicable conditions required for

uses within a Combining District (Village of Lansing Code Section 145-61), and 120 thereupon determined that Special Permit No. 2799 was GRANTED AND 121 **APPROVED**, subject to the following conditions and requirements: 122 123 i. Compliance with all requirements applicable after issuance of the special 124 permit approved by this resolution as provided for in Section 145-60(K) of 125 the Village of Lansing Code, including, but not limited to, all applicable 126 127 financial security, property security, inspection, maintenance, repair and removal obligations associated with the telecommunication facilities 128 129 approved by this resolution. 130 ii. Submit additional engineering documentation to the Village of Lansing Engineer for approval prior to the issuance of the building permit. 131 132 iii. Provide a final landscaping plan to be approved by the Village Code Enforcement Officer, which shall include four additional trees, in association 133 to what was provided on plan CA110, as close to the northern property line 134 135 as possible without impacting existing underground and overhead utilities. The four additional trees shall be comprised of two deciduous and two 136 137 evergreens. iv. Proof of Mailings to all contiguous properties shall be provided to the 138 139 Village of Lansing Code Enforcement Officer. 140 v. Soil and Erosion Control measures shall be implemented and maintained during all phases of construction activities; and 141 142 H. Following such special permit approval (with conditions) granted by the Village 143 of Lansing Planning Board on October 29, 2013, it was discovered that there was 144 an inadvertent omission to provide the required mail notice to three of the 145 adjacent property owners for the public hearing held on October 29, 2013, 146 whereupon following such discovery (i) the mailing of written notices to all of the 147 148 required adjoining landowners was once again undertaken by the applicant, and (ii) an additional and supplemental public hearing was properly scheduled and 149 noticed for the regularly scheduled December 9, 2013 Village of Lansing 150 Planning Board meeting; and 151 152 153 I. On December 9, 2013, at the Village of Lansing Planning Board meeting on such 154 date, the Village of Lansing Planning Board confirmed with the Village of Lansing Code Officer that proof of the supplemental mailing of notices to all 155 required adjoining property owners was completed as obligated and the 156 documentation related thereto was provided by the applicant, whereupon the 157 additional and supplemental public hearing was opened for the purpose of 158 eliciting any further public comment as to the materials and information 159 160 presented by and on behalf of the applicant in support of this proposed action, after which the public hearing was closed; and 161 162

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J. On December 9, 2013, at the Village of Lansing Planning Board meeting on such date, the Village of Lansing Planning Board once again reviewed and analyzed, as deemed necessary, the materials and information presented by and on behalf of the applicant in support of the proposed action, including any additional information and materials resulting from the supplemental public hearing and/or otherwise raised in the course of the Board's further deliberations; and

K. On December 9, 2013, the Village of Lansing Planning Board, in accordance with the foregoing, expressed its intention to reaffirm its prior October 29, 2013 special permit approval resolution for the proposed action together with the conditions and requirements attached thereto; excepting, however, condition "d" requiring Proof of Mailings to all contiguous properties as such condition has now been satisfied as indicated above;

# NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Planning Board hereby reaffirms its prior October 29, 2013 special permit approval of the proposed action, and further reaffirms its prior finding (subject to the conditions and requirements set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61);

a. Compliance with all requirements applicable after issuance of the special permit approved by this resolution as provided for in Section 145-60(K) of the Village of Lansing Code, including, but not limited to, all applicable financial security, property security, inspection, maintenance, repair and removal obligations associated with the telecommunication facilities approved by this resolution.

b. Submit additional engineering documentation to the Village of Lansing Engineer for approval prior to the issuance of the building permit.

c. Provide a final landscaping plan to be approved by the Village Code Enforcement Officer, which shall include four additional trees, in association to what was provided on plan CA110, as close to the northern property line as possible without impacting existing underground and overhead utilities. The four additional trees shall be comprised of two deciduous and two evergreens.

d. Soil and Erosion Control measures shall be implemented and maintained during all phases of construction activities

2. It is hereby determined by the Village of Lansing Planning Board that the October 29, 2013 GRANT AND APPROVAL of Special Permit No. 2799 (with the accompanying conditions indicated above) is reaffirmed in all respects.

The vote on the foregoing motion was as follows:

AYES: Mario Tomei, Deborah Dawson, Lisa Schleelein, and Maria Stycos (Abstention by Phil Dankert)

210 NAYS: None 211 212 The motion was declared to be carried. **Public Hearing to Consider Special Permit #2825** 213 Tomei opened the public hearing to consider: 214 215 216 Special Permit #2825, the Rescue Mission, to place a modular structure for the purpose of collecting goods, in the Commercial High Traffic, Tax Parcel Number 47.1-1-22. Special Permit is required 217 218 pursuant to section 145-43 D(1)(c) of the Village of Lansing Code. 219 220 Rescue Mission representative, Charles Chappell, presented a proposal for the placement of a trailer in a 221 parking lot located between the Ramada Inn and The Shops at Ithaca Mall for the purpose of collecting 222 household and clothing items. There was general discussion regarding facilities for attendees at the site, 223 signage, and possible traffic impact. Several Board members voiced support for the project and noted it 224 would complement the recycling efforts of Re-Use in the Triphammer Mall. 225 A member of the community questioned whether the Board's enthusiasm for the project influenced their answers to environmental questions. Moseley explained that this situation is similar to what the Board 226 227 has approved in the past in terms of the low environmental impact. Dubow added that the questions remain the same no matter what type of building is proposed. Tomei stated that the questions are not 228 229 subjective, and the Board carefully examines each permit on the basis of the environmental impact. 230 Stycos commented that the Board uses the environmental questionnaire to assess the positive or negative 231 impact on the Village. 232 The Planning Board worked through the Short Environmental Assessment Form (EAF). After discussion, 233 the Board filled in the appropriate areas prior to determining that the proposed action will not result in any 234 235 significant adverse environmental impacts. 236 237 Tomei read the Resolution for SEQR Review of Special Permit #2825. 238 239 Dawson moved the following SEQR resolution, seconded by Schleelein: 240 241 VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEOR REVIEW OF SPECIAL 242 PERMIT NO. 2825 ADOPTED ON DECEMBER 9, 2013 243 Deborah Dawson 244 *Motion made by:* 245 246 Lisa Schleelein Motion seconded by: 247 248 **WHEREAS**: 249 250 This matter involves consideration of the following proposed action: Special Permit 2825, the Rescue 251 Mission, to place a modular structure for the purpose of collecting goods, in the Commercial High Traffic 252 District, Tax Parcel Number 47.1-1-22. Special Permit is required pursuant to Section 145-43.D.(1)(c) of 253 the Village of Lansing Code; and

255 On December 9, 2013 the Village of Lansing Planning Board, in performing the lead agency function for 256 its independent and uncoordinated environmental review in accordance with Article 8 of the New York 257 State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) 258 determined that the proposed action provided for herein is an Unlisted Action in accordance with SEQR; 259 (ii) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part I, and any 260 and all other documents prepared and submitted with respect to this proposed action and its environmental review [including any Visual Environmental Assessment Form deemed required, and 261 262 comments and recommendations, if any, provided by the Tompkins County Department of Planning in 263 accordance with General Municipal Law Sections 239-l and -m]; (iii) completed its thorough analysis of 264 the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 265 266 617.7(c); and (iv) completed the Short EAF, Part II);

### NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review [including any Visual Environmental Assessment Form deemed required, and comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-l and -m], (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("NEGATIVE DECLARATION") in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required; and
- 2. The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

287 The vote on the foregoing motion was as follows:

- 288 Ayes by Tomei, Dawson, Dankert, Schleelein, and Stycos.
- 289 Nays: None

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290 The motion was declared to be carried.

Tomei indicated that the Village has received the required review of the proposal from the Tompkins
County Planning Department, as required by General Municipal Law 239 –l, -m, and –n. The Department
has reviewed the proposal as submitted and has determined that it has no negative inter-community or
county-wide impacts.

Tomei read the general conditions for special permits, section 145-59E. The Board evaluated the special permit application against the required general conditions. Dawson asked for clarification of NYS codes and Moseley gave a brief explanation of NYS Code and administrative powers. The Board determined that the general conditions have been met.

Stycos moved that all general conditions, in accordance with section 145-59E, have been met. Seconded 301 302 by Dankert; Ayes by Tomei, Dawson, Dankert, Schleelein, and Stycos. Nays: None. 303 304 Tomei read/summarized the Resolution for Special Permit #2825. 305 Schleelein moved the following special permit resolution, seconded by Stycos: 306 307 VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2825 308 309 ADOPTED ON DECEMBER 9, 2013 310 311 312 *Motion made by:* Lisa Schleelein 313 314 *Motion seconded by:* Maria Stycos 315 **WHEREAS**: 316 317 This matter involves consideration of the following proposed action: Special Permit 2825, the Rescue Mission, to place a modular structure for the purpose of collecting goods, in the Commercial High Traffic 318 319 District, Tax Parcel Number 47.1-1-22. Special Permit is required pursuant to Section 145-43.D.(1)(c) of 320 the Village of Lansing Code; and 321 322 On October 29, 2013, information for the proposed action was presented for preliminary review by the 323 Village of Lansing Planning Board, at which time such information was preliminarily evaluated, questions were posed and responses offered, and public comments were permitted, after which the Board 324 325 determined that a public hearing thereon should be scheduled following receipt of the applicant's special 326 permit application; and 327 328 On December 9, 2013, the Village of Lansing Planning Board opened a public hearing for the initial purpose of (i) eliciting public comment on environmental issues regarding this proposed 329 action, and (ii) reviewing and evaluating the materials and information presented by and on 330 behalf of the applicant in support of this proposed action; and 331 332 333 On December 9, 2013, the Village of Lansing Planning Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 334 8 of the New York State Environmental Conservation Law - the State Environmental Quality 335 336 Review Act ("SEOR"), (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part I, any and all other documents prepared and submitted with respect to the 337 proposed action and its environmental review [including any Visual Environmental Assessment 338 339 Form deemed required, comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-l and 340 -m]; (ii) reviewed environmental related comments from the public; (iii) completed its thorough 341 analysis of the potential relevant areas of environmental concern to determine if the proposed 342 action may have a significant adverse impact on the environment, including the criteria 343 identified in 6 NYCRR Section 617.7(c); (iv) completed the Short EAF, Part 2; and (v) made a 344 345 negative determination of environmental significance ("Negative Declaration") in accordance

with SEOR for the proposed action and determined that an Environmental Impact Statement

would not be required; whereupon, having completed the SEQR review and having made its SEQR determination, it was established that the special permit application was complete; and

On December 9, 2013, the Village of Lansing Planning Board thereafter continued the public hearing on the proposed action and further reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of the proposed action, including any additional information and materials related to environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board [including comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-l and -m], (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations, and (iv) possible modifications and/or conditions that might be imposed in conjunction with any special permit approval to be granted, whereupon, the public hearing was closed; and

On December 9, 2013, in accordance with Section 7-725-b of the Village Law of the State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60, and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61);

#### NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any, set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61); and

It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2825 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:

- a. Soil and Erosion control measures shall be implemented and coordinated as required, and approved by either the Village of Lansing Code Enforcement Officer and/or the Village of Lansing Engineer.
- b. Required permits, approvals, consents and other authorizations from all applicable Federal, State, County and local governmental and regulatory agencies shall be obtained, maintained and complied with for all permitted improvements, operations and activities as authorized by this special permit approval, and such improvements, operations and activities shall at all times comply with all applicable Federal, State, County and local laws, codes, rules and regulations.

*The vote on the foregoing motion was as follows:* 

391 AYES: Mario Tomei, Deborah Dawson, Lisa Schleelein, Maria Stycos, and Phil Dankert

392 NAYS: None

*The motion was declared to be carried.* 

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| 395 | Approval of Minutes   |
| 396 | None  |
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| 398 | Reports   |
| 399 | Schleelein reported on the Trustee meeting of November 18. Please see the minutes of the Trustees'        |
| 400 | meeting for a complete report. Tomei asked that Kanter be removed from the schedule for covering          |
| 401 | Trustee meetings.   |
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| 403 | Other Business  |
| 404 | Dawson suggested that the Board re-evaluate the Greenway Plan and consider reinstating the Greenway       |
| 405 | Committee.  |
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| 407 | Moseley suggested that recommendations to update the Greenway Plan be made to the Village Board of        |
| 408 | Trustee if statistics or updated information is unavailable.  |
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| 410 | Leopold commented that if the Comprehensive Plan is outdated, the committee can't set goals until all     |
| 411 | comments have been solicited. She explained that the process is a thoughtful, methodical way to establish |
| 412 | Village goals and strategies for the future.  |
| 413 |   |
| 414 | The Planning Board meeting for December 31, 2013 is cancelled. The next meeting will be January 13,       |
| 415 | 2014.   |
| 416 |   |
| 417 | <u>Adjourn</u>  |
| 418 | Dawson moved to adjourn at 8:56 PM. Seconded by Dankert. Ayes by Tomei, Dawson, Dankert,                  |
| 419 | Schleelein, and Stycos.   |