

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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OCTOBER 22, 2019

MEMBERS PRESENT: Bart Pacekonis, Kevin Foley, Frank Bonzani, Stephanie Dexter, Kevin Greer, Bill Flagg, Steve Wagner

ALTERNATES PRESENT: Michael LeBlanc, Paul Bernstein

STAFF PRESENT: Michele Lipe, Director of Planning; Jeff Doolittle, Town Engineer; Lauren Zarambo, Recording Secretary

PLEDGE OF ALLEGIANCE

PUBLIC HEARING / COUNCIL CHAMBERS 7:00 PM

CALL TO ORDER: Chairman Pacekonis called the Public Hearing to order at 7:00 p.m.

Secretary Commissioner Bonzani read the legal notice as it was published in the Journal Inquirer on Saturday, October 12, 2019, and Thursday, October 17, 2019.

1. **Appl. 19-49P, Sherwood Inspection Services LLC** – request for a special exception to Section 5.3 (Office Conversion Overlay) and site plan of development for conversion of existing residence including a 398 sf addition, into professional offices, on property located at 1071 Ellington Road, A-20 zone

Mr. David Sherwood, owner of Sherwood Inspection Services LLC located in South Windsor since 1982, presented the request stating they would like to purchase and renovate the building for a small office for his business. They will not be changing the front view of the property. A 3' x 5' sign is proposed. Meeting the criteria for the office conversion overlay zone was described. A 65' landscape buffer will be planted along the abutting residential property. An 18' x 23' addition has been designed to match the aesthetics of the existing structure and will be used for the professional office with three employees. The current septic system will continue to meet standards with no changes requested. Impervious coverage with the addition and parking is less than 20 % of the property, less than the 40% allowed. Special exception criteria was described to have been met by the proposal from a company that supports its neighbors and the town.

Director of Planning Michele Lipe gave staff comments:

1. Request for a Special Exception to Section 5.3, Office Conversion Overlay, and site plan approval for the conversion of an existing home to professional offices at 1071 Ellington Road, A-20 zone. The applicant intends to use the professional offices for his home inspection services.
2. The Office Conversion Overlay regulation was enacted for the purpose of allowing conversions of existing structures in the underlying residential zones to professional offices, and to facilitate the preservation of historic structures, where deemed appropriate by the Planning and Zoning Commission, taking into consideration such factors as proximity to commercial uses or zones, traffic volumes, amount of commercial traffic, and the suitability of the land for office conversion.

Such uses will be allowed only when the Commission has determined that:

- traffic impacts will not be detrimental to the residential character of the neighborhood;
- there will be minimal adverse effects on existing residential uses in the area;
- surrounding property values will be conserved and the character of the neighborhood will not be unduly disrupted;

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- impacts will not be detrimental to the capacity of present and proposed utilities, streets, drainage systems, sidewalks, and other infrastructure;
 - the land is physically suited to the proposed use and minimal adverse environmental impacts are created; and
 - due consideration to preservation of historic factors has been demonstrated.
3. The specific criteria for office conversions include:
- The building shall have been constructed at least 50 years prior to the date of application for approval, or 1880;
 - The lot has an area of not less than 30,000 square feet (40,050 sf);
 - The lot has frontage of not less than 150 feet (215 feet);
 - An adequate line of sight entering and exiting the site is provided based on Connecticut Department of Transportation standards;
 - Side and rear yards shall contain landscaped buffers of ten feet in width. The buffer provisions of Sections 6.2.4 of these Regulations shall not apply;
 - Any addition to the structure shall not be greater than 100% of the floor area of the existing first floor;
 - Uses shall be restricted to professional offices; generally types of offices that operate during “typical” office hours Monday through Friday. Examples of professional offices include lawyers, architects, doctors/dentists, accountants, and engineers;
 - Maximum impervious coverage shall be 40%;
 - Wherever existing structures on the lot have historic or architecturally redeeming features, efforts shall be made to preserve and/or enhance those features; and
 - Only the first floor may be used for office use. Floors above the office use shall continue in residential use.
4. The proposed hours of operation would 8 a.m. to 5 p.m. daily, closed on weekends.
5. The site changes proposed include an addition to the existing house, striping of the parking lot, and the addition of site lighting. The proposed addition is approximately 400 sf, representing less than 50% of the existing house.
6. Maximum impervious coverage allowed is 40% with 20% proposed. The house was constructed in 1830. Existing lot size is 40,050; minimum lot size allowed is 30,000 sf. Frontage is 215 feet; minimum allowed is 150 feet. The parking requirements for this use requires 9 spaces; 9 spaces have been provided.
7. There is a requirement for a 10-foot landscape buffer strip along the property boundary. The applicant is showing some proposed plantings; however the size and types should be indicated on the plans.
8. The applicant is proposing a free-standing sign at the entrance of the property. A building sign would be permitted.
9. There are no regulated wetlands and the applicant is disturbing less than 20,000 sf, therefore, no IWA/CC approval was required.

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10. The existing house is serviced by septic and public water. The applicant has received approval from the Health Department to use the existing septic system for this use.
11. For refuse collection, the applicant has indicated that they will be using the cans and making arrangements for private pick up.

If this application is approved, the Planning Department has no modifications to request.

Town Engineer Jeff Doolittle gave staff comments noting the site plan shows paving expansion to increase the number of parking spaces from six to nine spaces, but if the three additional spaces are not needed, the pavement can be left as is, and no impervious coverage will be added.

The Chairman asked for comments from the public.

No one from the public spoke for or against the application.

The Chairman asked for comments from commissioners.

Commissioner Wagner asked about the Town Engineer's comment. Mr. Sherwood stated the only reason for additional parking was to meet requirements but is not needed. Director Lipe stated the three additional spaces can be shown in reserve.

Commissioner Flagg and Chairman Pacekonis discussed the exterior lighting with Mr. Sherwood who described lights controlled with motion detectors installed on garage and house scheduled to go off after the last employee leaves at night.

The Chairman closed the public hearing at 7:15 p.m.

- 2. Appl. 19-50P, South Windsor Technologies Center, LLC-** request for a two year temporary and conditional permit for a temporary staging area and storage of equipment for EverSource contractors, on property located at 100 Schweir Road (formerly R010 Sullivan Avenue -easterly of Route 5, southerly of Patria Road), I zone

Mr. Zack Landmark of Michels Power, representing the applicant, stated their company has been contracted for the last five years by Eversource to do high voltage power line work. They have an office at 665 Nutmeg Road and are relocating their storage yard from 252 Chapel Road which was just sold. There will be no bulk fuel storage or actual construction, and will only be storing new, clean equipment for jobs throughout the state. They work during regular business hours with no nighttime work. The property on Schweir Road needs to be cleaned up before it will suit their needs to be organized. Photographs of the Chapel Road yard were submitted to the commission.

Director of Planning Michele Lipe gave staff comments:

1. A request for a two year temporary and conditional permit for the storage for a temporary staging area and equipment storage for an EverSource contractor, on property located at 100 Schweir Road, I zone
2. The Caron site is a 100+ acre property located at the southerly end of Patria Road and Schweir Road. It is currently vacant. It had previously been approved for an industrial subdivision in early 2000.
3. The proposed storage area is approximately 1200 feet from the southern end of Patria Road. The applicant is proposing to add a 200 feet of a stone tracking pad at the end of Patria Road that will need to be maintained throughout the duration of the temporary use. The equipment to be stored includes machinery as well as mats and poles and will utilize approximately 4 acres. The only access to the site will be through Patria Road.

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4. Pictures and an equipment list of what will be stored on site has been provided.
5. This property has a significant amount of wetlands on site. Environmental Planner Jeff Folger has reviewed the plans and requested the following:
 - An erosion control plan must be included on the plans.
 - A soil stabilization plan must be submitted, which must include temporary and permanent seeding.
 - A grading plan must be submitted.
 - Details on the type of material to be used as a surface must be provided.
 - Recommend that a bond be collected in the amount of \$10,000 for the installation and maintenance of erosion controls.
6. The other concern Staff has with this site is that Mr. Caron currently has a zoning violation on site specifically related to the storage of equipment and materials on site without any approvals. These areas have been identified with a note indicating the equipment will be removed within one year. After conferring with the Town Attorney, we will be requesting a \$20,000 bond to ensure the removal of the material identified.
7. Storage yards are not permitted unless there is a building, therefore the need for a Temporary & Conditional permit. The wording of the T & C permit regulation is that, "Temporary and conditional permits may be granted by the Commission for a period not to exceed 2 years. Such approval may be given after a public hearing if, in the judgment of the Commission, the public convenience and welfare will be substantially served, and the appropriate use of neighboring property will not be substantially or permanently injured, and traffic and other hazards will not result from such use."
8. If this application is approved, the Planning Department requests that no equipment be brought on site without a staff meeting and the required bonds being posted.

If this request is approved, there are no additional modifications requested.

Town Engineer Jeff Doolittle had no additional staff comments.

The Chairman asked for comments from the public.

No one from the public spoke for or against the application.

The Chairman asked for comments from commissioners:

Commissioner Flagg noted the large pile of railroad ties located at the end of Schweir Road, which Director Lipe indicated may have been left by recent tree clearing, and would be part of the required clean-up of the site. Commissioner Flagg asked about gating the private road. Mr. Landmark stated the road is presently gated and will be locked nightly. There is no power on site but they will use solar powered motion sensor lighting.

Commissioner Dexter asked for clarification of the business names involved. Mr. Landmark stated Michels Power is located at 665 Nutmeg Road. They own all their own equipment and pay property taxes on it, as far as he knows, but there is not enough room to store their equipment on site. Commissioner Dexter requested that before approval is granted, the Schweir property is to be cleaned up.

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Commissioner Bonzani asked if there is adequate room for large equipment to be moved in and out. Director Lipe described the large area and Mr. Landmark confirmed it will only be used for the storage of their general working equipment including cranes and tall bucket trucks, and confirmed their working hours.

Vice Chairman Foley asked about putting down millings or using a sweeper for any tracking mud since the road is unimproved. Mr. Landmark indicated they will and the first section of the road has a good base. They will be improving the road beyond that. Director Lipe stated it will be shown on the plan as a condition of approval.

Commissioner Greer asked about their contract with Eversource, which Mr. Landmark estimated could go on for two more years at most given the limited amount of structures to change out, and confirmed no one is living at the storage yard.

Alternate Commissioner Bernstein asked about fencing around the site. Mrs. Kim Caron describe gating at the end of Schweir Road and Patria Road.

Chairman Pacekonis asked Mr. Landmark about Michels contract with Eversource which is renewed annually.

The Chairman closed the public hearing at 7:33 p.m.

REGULAR MEETING / MADDEN ROOM

CALL TO ORDER: Chairman Pacekonis called the regular meeting to order at 7:36 p.m.

PUBLIC PARTICIPATION:

NEW BUSINESS: Discussion/Decision/Action regarding the following:

1. **Appl. 19-44P, Cooley Realty LLC dba Powerscreen New England** – request for a site plan modification to create a storage equipment area, and renewal of a 2 year temporary and conditional permit (Section 2.13.a) for outdoor display of equipment, for property located at 140 and 240 Nutmeg Road, I zone

Mr. Timothy Coon of J.R. Russo & Associates, LLC presented the request with Mr. Ronan Sheelan representing applicant Cooley Realty LLC, dba Powerscreen New England located at 140 Nutmeg Road. They are a dealer of processing equipment, parts, and servicing, and propose to combine their property with the vacant lot at 240 Nutmeg Road to create a storage yard. Site maps were shown of the combined lots that will measure 5.91 acres. Wetlands and stormwater management basin were described. A retaining wall at the driveway has been designed to get equipment into the gravel yard, which will have a 6' chain link fence around the perimeter. Evergreen trees and wetland plantings are proposed. It is the intent to relocate equipment from around the Powerscreen building into this storage yard. In addition, they seek renewal of their temporary and conditional permit for outdoor display of equipment. IWA/CC approval was granted on October 2, 2019.

Director of Planning Michele Lipe gave staff comments:

1. Request for a site plan modification and renewal of a 2 year temporary and conditional permit (Section 2.13.a) for outdoor display of equipment, for property located at 140 Nutmeg Road South, I zone
2. The applicant was in front of the Commission in 2016 when they took over the existing building. At that time they were approved for an outside display area in the front of the property. The outdoor display is

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permitted by a two year temporary and conditional permit and part of their request is to renew the outdoor storage.

3. The second part of this proposal is to add existing acreage to their existing lot for additional outdoor storage. The property being included is an existing lot of record on with frontage on Nutmeg Road for outdoor storage of equipment. About 1/4 of the property is encumbered by a drainage easement in favor of the Town of South Windsor which contains a detention area.
4. The storage will be approximately 170 front the property line along Nutmeg Road and will be surrounded by a chain link fence. How high will the equipment storage be and will the six foot fence adequately screen the storage.
5. The landscaping plans calls out hemlocks as the primary screening tree with some understory plantings of viburnum and blueberries.
6. There are regulated wetlands on the site. IWA/CC approved the application on September 15 with standard approval conditions and the following bonding requirements: A bond shall be collected in the amount of \$5,000 placement and maintenance of erosion and sediment controls, and \$2,000 for installation of storm water systems and \$5,000 for the establishment of wetland mitigation to be held three growing seasons. Routine inspections of the gravel surfaces shall be done to detect the presence of leaks from equipment. The applicant shall provide a disposal protocol for contaminants; plan to be reviewed and approved by Town Staff.
7. The combined property will have its sole access from 140 Nutmeg Road (access into the property from the northern frontage is prohibited due to easements). The Fire Marshal has reviewed the plans and does not have any concerns.

If this application is approved, the only Planning modification requested is a deed be submitted combining the lots.

Town Engineer Jeff Doolittle had no additional staff comments.

Chairman Pacekonis asked for comments from commissioners.

Commissioner Wagner asked Staff if the gravel will handle any leakage that could occur. Town Engineer Doolittle stated the lot slopes towards the infiltration basin and the management plan will include how spills and clean up will be addressed should they occur.

Chairman Pacekonis asked about the height of equipment to be stored and servicing equipment. Mr. Sheelan described equipment and stated service is done within the building at 140 Nutmeg. They inspect equipment daily for leaks and have protocols to follow if found.

Commission Bonzani confirmed with Mr. Sheelan power washing is done inside where there are floor drains and a water separator.

Commissioner Wagner made a motion to approve with the following conditions:

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of: \$5,000 placement and maintenance of erosion and sediment controls, and \$2,000 for installation of storm water systems, and \$5,000 for the establishment of wetland mitigation to be held three growing seasons.

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4. A landscape bond in the amount of \$5,000 is required and must be submitted prior to the issuance of a certificate of occupancy if work is not completed.
5. All bonds must be in one of the forms described in the enclosed Bond Policy.
6. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
7. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
8. The building street number must be included on the final plan.
9. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
10. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
11. The two-year temporary and conditional permit for the outdoor display will expire on October 22, 2021 and will have to be renewed at that time if this use is to continue.
12. A deed combining all the properties into one lot shall be submitted. The combined property will have its sole access from 140 Nutmeg Road (access into the property from the northern frontage is prohibited due to easements).

Commissioner Flagg seconded the motion.
The motion carried and the vote was unanimous.

2. Appl. 19-51P, Town of South Windsor Eli Terry Elementary School – request for a site plan modification for a two new classrooms totaling 3,143 sf in the elementary school, on property located on at 569 Griffin Road (southerly side of Griffin Road, westerly side of Graham Road), A-20 and FP zones

Mr. Hugh Pearson with Moser Pilon Nelson Architects, LLC and Mr. Henry Thomas with The LRC Group presented the request to fill a need for additional classrooms with rising enrollment numbers. The architecture will blend in seamlessly with the existing architecture. The location of the addition at the rear of the building was determined by Public Building Commission and Board of Education allowing for grades 1 and 2 to blend in well with other classrooms of similar nature.

Mr. Thomas showed how the addition fits onto the plan with no changes to utilities, lighting, or landscaping. The trash enclosure remains in the same area but moved slightly to the east next to the set back line, with no impact to service. The small increase in impervious surface has been incorporated into drainage calculations and still results in a reduced rate of runoff from the site. Elevations were shown.

Director of Planning Michele Lipe gave staff comments:

1. Request for a site plan modification to add two additional classrooms, totaling 3,143 sf, on property located at 569 Griffin Road (southerly side of Griffin Road, westerly side of Graham Road), A-20 and FP zones
2. The two classrooms are being proposed behind the existing loading dock area in an area that was slated to be established as lawn.
3. It appears zoning requirements have been met.

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4. The addition does not affect the landscape plan or lighting plan, and the architecture is in keeping with the character of the rest of the building.

If this application is approved, the Planning Department has no modifications to request.

Town Engineer Jeff Doolittle had no additional staff comments.

Chairman Pacekonis asked for comments from commissioners.

Commissioner Wagner asked about an emergency exit and handicap access. Mr. Thomas described a landing and ramps to the sidewalk, sized to fire requirements. The music room was discussed and progress of construction described. Commissioner Wagner asked where bicycles will be stored which was shown opposite the main entrance and indicated in the area of the medically fragile. Rack storage will be increased to 22 slots.

Commissioner Greer confirmed the fire lane runs around the entire building.

Chairman Pacekonis asked how much closer the dumpsters are to the neighbors. Mr. Thomas stated they are seven feet closer. When asked if neighbors had been notified, Mr. Pearson stated he was not a part of the conversation that is under way or has taken place.

Commissioner Dexter discussed the swale on a neighbor's property line with Mr. Thomas and Director Lipe.

Commissioner Bonzani made a motion to approve with the following conditions:

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
4. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
5. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
6. The building street number must be included on the final plan.
7. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
8. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
9. If an Office of State Traffic Administration certificate is required, no building permits will be issued until the certificate has been issued (per CGS §14-311).

Commissioner Wagner seconded the motion

The motion carried and the vote was unanimous.

- 3. Appl. 19-49P, Sherwood Inspection Services LLC** – request for a special exception to Section 5.3 (Office Conversion Overlay) and site plan of development for conversion of existing residence including a 398 sf addition, into professional offices, on property located at 1071 Ellington Road, A-20 zone

Commissioner Dexter made a motion to approve with the following conditions:

1. Prior to commencement of any site work, a meeting must be held with Town Staff.

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2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.2 of the Zoning Regulations.
4. A landscape bond in the amount of \$2,000 is required and must be submitted prior to certificate of occupancy if not completed.
5. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
6. This approval does not constitute approval of the sanitary sewer disposal system, which can only be granted by the Town Sanitarian through a B100a Change of Use permit.
7. The building street number must be included on the final plan.
8. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
9. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
10. A Building permit for the change of use from residential to commercial shall be filed.
11. Types, quantities and sizes of plantings shall be listed on the plans.

Commissioner Foley seconded the motion.

Commissioner Dexter made a friendly amendment:

12. Parking shall remain as is with two additional parking spaces shown in reserve.

Commissioner Greer seconded the motion.

The motion carried and the vote was unanimous.

- 4. Appl. 19-50P, South Windsor Technologies Center, LLC-** request for a two year temporary and conditional permit for a temporary staging area and storage of equipment for EverSource contractors, on property located at 100 Schweir Road (formerly R010 Sullivan Avenue -easterly of Route 5, southerly of Patria Road), I zone

Commissioner Wagner made a motion to approve with the following conditions:

1. The Temporary and Condition permit will expire in one year on October 22, 2020.
2. Prior to commencement of any site work, a meeting must be held with Town Staff.
3. The comments of the Environmental Planner dated 10/22/19 must be incorporated into the final plans as follows:
 - An erosion control plan must be included on the plans.
 - A soil stabilization plan must be submitted, which must include temporary and permanent seeding.
 - A grading plan must be submitted.
 - Details on the type of material to be used as a surface must be provided.
4. The only access to be used is Patria Road.

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5. An Erosion and Sedimentation Bond in the amount of \$10,000 is required to maintain erosion and sedimentation measures.
6. A \$20,000 Bond is required to ensure to remove the equipment currently in violation on site by June 1, 2020.
7. All bonds must be in one of the forms described in the enclosed Bond Policy.
8. This application is subject to the conditions of approval of Inland Wetlands.
9. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.

Commissioner Bonzani seconded the motion.
The motion carried and the vote was unanimous.

5. Appl. 18-29, HarborChase Assisted Living Facility – discussion regarding removal of tree along Buckland Road (see attached correspondence)

Mr. Ron Bomengen of Fuss & O'Neill and Mr. Brian Blood of The Whiting-Turner Contracting Company requested Commission approval for removal of two of the three mature trees along Buckland Road at the HarborChase site per site plan approval conditions.

Director Lipe and Commissioners discussed the trees and alternate solutions to the plan presented. The request was tabled until the November 12th meeting so that Distinctive Tree and Fuss & O'Neill's arborists can assess the health of the trees and requesters can consider other options suggested.

6. Appl. 19-28P, 360 Ellington Road Distribution Center – Change Order request for addition of 8 foot fencing along the Ellington Road frontage around the detention pond

Per Commission request, Mr. Peter DeMallie, President of Design Professionals, Inc., distributed copies of renderings of the proposed fencing installed. The ornamental fence goes around the entire length of the detention pond with plantings on both sides of the fence. A ten foot wide stone base on each side of the fence has been designed for maintenance.

Commissioner Flagg made a motion to approve the change order.
Commissioner Dexter seconded the motion.
The motion carried and the vote was unanimous.

BONDS: Callings/Reductions/Settings

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OLD BUSINESS: *see page 2*

APPLICATIONS OFFICIALLY RECEIVED:

OTHER BUSINESS:

Director Lipe noted a request from HarborChase to install banners advertising their opening along the fencing on Buckland Road for the duration of a year. The Commission recommended signage allowed for temporary signs, up to 32 square feet in size for a limit of 60 days as permitted in the regulations.

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Director Lipe gave an update on progress at the Redland Brick KF Plant Quarry. The lower haul road is being constructed, and the north road will be constructed. Irrigation is in place and working. A ten day hauling period is planned and will adhere to all conditions of approval.

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Motion to adjourn made by Commissioner Flagg at 8:50 p.m.
Commissioner Wagner seconded.
The motion carried and the vote was unanimous.

Respectfully Submitted,

Lauren L. Zarambo,
Recording Secretary