

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

June 17th, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chair)

3 Cathy Shyer (Vice Chair)

4 Bob Riva (Regular Member)

5 Allen Cockerline (Regular Member)

6 Dr. Danella Schiffer (Alternate Member)

7 Beth Wells (Alternate Member) *arrived 6:32PM*

Members Absent:

Martin Whalen (Secretary)

Staff Present:

Abby Conroy, Land Use Director (LUD)

Miles Todaro, Land Use Technical Specialist (LUTS)

10 **Brief Items and Announcements**

11 1. Call to Order / Establish Quorum

12 Chair Klemens called the meeting to order at 6:30PM. A quorum was established with four regular
13 members present (Dr. Michael Klemens, Cathy Shyer, Allen Cockerline, Bob Riva). Alternate Member Dr.
14 Danella Schiffer was also present.

16 2. Approval of Agenda

17 Chair Klemens proposed the following amendment:

18 To swap Items #3 "Minutes of May 6, 2024" and #4 "Minutes of May 20, 2024" with Items #12
19 "Appointment/Authorization of Agents" and #13 "Staff Update on Potential Violations"

21 **Motion:** To approve the Agenda as amended.

22 Made by Cockerline, seconded by Riva.

23 Vote: 4-0-0 in favor.

25 Alternate Member Beth Wells joined the meeting at 6:32PM.

27 12. Appointment/Authorization of Agents

29 LUD Conroy explained LUTS Todaro has worked within the Land Use Office (LUO) for over a year. LUD
30 Conroy is the Zoning Enforcement Official for this Commission, and will remain the primary Agent
31 contact. LUD Conroy asked to authorize LUTS Todaro as an Agent in order to delegate additional
32 responsibilities such as inspections and preliminary intakes.

34 **Motion:** To affirm Abby Conroy as the ZEO, and to affirm that the ZEO may assign routine items to Miles
35 Todaro.

36 Made by Cockerline, seconded by Riva.

37 Vote: 4-0-0 in favor.

39 13. Staff Update on Potential Violations

40 a. 253 Indian Mountain Road

42 LUD Conroy explained a previous owner of this property installed a patio around the pre-existing pool
43 area, and constructed a covered addition off of a pre-existing pool house with a built-in barbeque and
44 chimney. She also discovered that the permit for a bathroom addition was closed out without Zoning
45 signoff. LUD Conroy explained the violations were identified during a real estate transaction as the
46 property is now for sale, and a notice of violation was sent. LUD Conroy added that approval from

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47 Torrington Area Health District (TAHD) is needed before a Zoning Permit can be issued.

48

49 b. 144 Salmon Kill Road

50

51 LUD Conroy explained a new driveway was installed on this property without permits. The driveway is
52 potentially in close proximity to wetlands and floodplains present on the property. LUD Conroy added
53 that there is a potential Inland Wetlands and Watercourses violation as well.

54

55 4. Minutes of May 20, 2024

56 Vice Chair Shyer and Commissioner Riva were not present at the May 20 meeting and abstained from
57 voting.

58

59 Chair Klemens Proposed the following amendment:

60 Line 80: Replace "Zone" with "District"

61

62 Chair Klemens appointed Alternate Member Schiffer as voting member for only Item #4 (Minutes of May
63 20, 2024).

64

65 **Motion:** To approve Minutes of May 20, 2024 as amended.

66 Made by Cockerline, seconded by Schiffer.

67 Vote: 3-0-2

68

69 **Public Hearing - 6:45PM**

70 5. #2024-0244 / Town of Salisbury (Salisbury Housing Trust) / 26 & 28 Undermountain Road / Special
71 Permit Application for New Multi-Family Housing Construction in the Multi-Family Housing Overlay
72 District (Section 405) / Map 56 / Lot 05 and Lot 06 / DOR: 04/15/2024 / OH: 05/20/2024 Close by
73 06/24/2024 / *Continue Public Hearing*

74

75 The Public Hearing continued at 6:42PM.

76

77 Chair Klemens provided an opening statement with a review of expectations. Additional correspondence
78 was received, including a letter of support from the Affordable Housing Commission (AHC). Letters of
79 concern were received from Theodore Rudd O'Neill, Judith Gott, Susan McQuillan, and Elizabeth
80 Mastopietro.

81

82 LUD Conroy mentioned additional correspondence from the applicant was received after 4PM, which
83 included a letter from the Salisbury Housing Trust (SHT).

84

85 President of the SHT John Harney, Vice President of the SHT Jennifer Kronholm Clark, and Vice President
86 of the Salisbury Housing Committee (SHC) Jocelyn Ayer joined the meeting to present the application.
87 Engineer Pat Hackett was also present to assist with questions regarding the site plan.

88

89 Ms. Kronholm Clark presented a Follow-Up Memo in response to questions from the public. Ms.
90 Kronholm Clark explained a revised Site Plan was drafted in effort to address all concerns, with the two
91 dwellings proposed to be built on a section in the middle of the property. This placement will be
92 separated from two mature white oak trees in hopes to preserve them, and will retain space in the rear

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93 for the neighbor's privacy. Ms. Kronholm Clark explained the parcel will not require subdivision, as the
94 other two pieces of the parcel would remain under Town management for conservation or municipal
95 use. Ms. Kronholm Clark stated that they have withdrawn Site Plan Options 1 and 2 presented in the
96 previous meeting.

97

98 Ms. Kronholm Clark explained the SHT has come forward to the Commission to rule on whether their
99 proposal to build fits within the Zoning Regulations. After an improved Site Plan is accepted by the
100 Commission, the SHT will go to Town Meeting. She explained that during the Town Meeting the public
101 may vote whether to sell or donate this portion of the property to the SHT for the purpose of building
102 the two homes.

103

104 Ms. Kronholm Clark addressed a previous concern about whether the property is one or two parcels. She
105 explained an A2 survey was submitted that represents this property as one parcel. The SHT received a
106 letter from the Assessor's Office confirming they will update their records to rectify the mistake.

107

108 Engineer Hackett presented the revised Site Plan. "Piece 1" and "Piece 3" would be Town-owned, and
109 "Piece 2" owned by the SHT. Piece 1, in the rear, would be sixty-three feet by ninety-nine feet of Town
110 Open Space. Piece 2, in the middle, is 0.395 acres. Both dwellings would be twenty-five feet from each
111 other, twelve feet from the right of way on the north side, and eighteen feet on the west side. Engineer
112 Hackett explained all parameters meet Multi-Family Housing Overlay Zone Regulations and a dry swale
113 drain will be sized for improved storm-water quality. Engineer Hackett explained no activity is proposed
114 on Piece 3 with the exception of surface gravel.

115

116 Commissioner Cockerline considered Piece 1 too small to be utilized as Open Space, and believed that
117 attempting to serve three separate functions on a lot this size is not feasible. Commissioner Cockerline
118 suggested reducing the building plan to one house. Chair Klemens referenced a letter written by Town
119 Arborist Mat Kiefer, and explained that continued use of Piece 3 for public parking could significantly
120 damage the mature trees. Chair Klemens explained the 8-24 Review specified two dwellings and
121 conservation of Open Space would be sufficient use of this property. Chair Klemens believed the SHT
122 should take over Piece 3 so it could remain conserved and prevent further degradation from parking.

123

124 Chair Klemens asked if splitting the property into pieces is legally supported. Ms. Ayer replied the SHT's
125 understanding is that Subdivision Regulations would allow for this change as the front and rear parcel
126 would continue to serve municipal purposes. Ms. Ayer added the concept has not been discussed with
127 an attorney. Ms. Ayer asked the Commission whether the revised Site Plan meets requirements of the
128 Multi-Family Housing Overlay District. She added that the Town could decide whether the front portion
129 of the property could have continued use for parking or turned into a park to protect the trees.

130

131 Alternate Member Schiffer asked for an aerial image of the revised plan to show this proposal compared
132 to nearby properties in the neighborhood. Engineer Hackett explained the two proposed dwellings fit
133 well with neighboring property sizes and styles, including Grove Street.

134

135 Vice Chair Shyer asked how the property's Open Space is currently accessed by the public. Engineer
136 Hackett and Ms. Kronholm Clark confirmed the only legal access to the site is the entrance on
137 Undermountain Road.

138

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139 Commissioner Riva explained he visited the property twice since the last meeting and is in favor of the
140 revised Site Plan. Commissioner Riva explained that he previously wanted the public parking area to be
141 retained, but after admiring the two mature white oak trees on site, he believed the majority of the
142 property should be protected. Commissioner Riva explained affordable housing and preservation of the
143 trees should be prioritized over the option of parking.

144
145 Alternate Member Wells believed the option of public parking should be eliminated. She asked if the two
146 dwellings could be spaced further apart if public parking was removed from Piece 3. Alternate Member
147 Wells suggested the playground and Open Space could be swapped to the front of the property. This
148 could provide abutting properties with increased privacy and make the Open Space more easily
149 accessible to the public. Engineer Hackett responded that playground equipment could easily be
150 installed on Piece 3 and Piece 1 could be adjusted for additional building space.

151
152 LUD Conroy provided a summary of all Commission Member's opinions and presented the 8-24
153 resolution for the Commission to review. Chair Klemens advised the Commission should follow
154 guidelines set by the 8-24 review and reach measured decisions supported by facts in a resolution that
155 can withstand a legal challenge.

156
157 Chair Klemens opened the floor to the public for comments and questions.

158
159 Member of the public Robin Roraback joined the meeting and explained she is an abutting property
160 owner on Grove Street. She said she often walks her dogs on the property and allows neighborhood
161 children to walk through her backyard to access the playground. Ms. Roraback said she contacted an
162 Arborist for a report on the mature white oak trees, but it could not be completed as the property is
163 Town owned. Ms. Roraback mentioned correspondence from Horticulturist Susan McQuillan who said
164 any disruption of soil or driveway construction could further damage the mature trees. Ms. Roraback
165 explained she researched the property deed and discovered the property was taken over by the Town
166 due to unpaid sewer taxes. Ms. Roraback asked if the previous owner's descendants had been contacted
167 to pay the taxes. Chair Klemens asked Ms. Roraback if there was any plan for the property where one or
168 two houses would be acceptable. Ms. Roraback said she disagreed with all proposed plans and wished
169 the property could remain as is.

170
171 Member of the public Judith Gott joined the meeting and asked what the difference in cost is to lay
172 sewer and water for dwellings constructed in the rear of the property versus the middle. Engineer
173 Hackett explained the additional distance would result in a higher expense, but the extra cost is
174 worthwhile given the potential of diminished impact on the tree's root systems. Ms. Gott explained she
175 is in favor of including affordable housing on this property but wished to see conservation prioritized to
176 prevent damage of the mature trees' roots.

177
178 Ms. Kronholm Clark explained the project will be funded by the SHT with a mixture of state funds and
179 private donations. Ms. Kronholm Clark clarified the Town would not be subject to costs from
180 construction of the dwellings. She explained it would be more cost efficient to install water and sewer
181 lines at the same time for both dwellings rather than for one single home. Chair Klemens asked if
182 construction of one single dwelling would be financially feasible for the SHT. Ms. Ayer replied
183 construction of one dwelling is feasible, but not ideal. Ms. Ayer explained being limited to one home
184 would not prevent pursuit of construction, but the SHT and other members of the public who

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185 understand the critical need for affordable home ownership would prefer construction of two dwellings.

186

187 Member of the public Louis Tomaino joined the meeting and commented that there is a large amount of
188 Open Space in the Town, but this area of Undermountain Road and Grove Street is crowded. Mr.
189 Tomanio believed this property is not a suitable site for three separate uses.

190

191 Member of the public Margaret Monaco joined the meeting and expressed concern that parameters for
192 the SHT to get approval for affordable housing units continues to change. She explained the most recent
193 plan presented has attempted to address all concerns, but believed it is not possible to solve all
194 problems related to this project. Ms. Monaco asked the Commission to reach a consensus with the most
195 reasonable solution so the meeting may progress.

196

197 Alternate Member Wells left the meeting at 8:00PM.

198

199 Member of the public Dmitri Fedorjaczenko joined the meeting and commented that the proposed plan
200 is not a good fit for the neighborhood and the existing use of the property. Mr. Fedorjaczenko reiterated
201 any construction that involves excavation could damage the mature trees. He suggested the Town hire
202 independent arborists to assess the trees and provide a report. Mr. Fedorajaczenko stated he is in favor
203 of affordable housing in Town, but not on this property. Chair Klemens asked if he had an opinion about
204 the current parking use causing compaction and potential damage to the mature tree's roots. Mr.
205 Fedorajaczenko replied minimal public parking causing a hard packed area is a minor effect compared to
206 excavating for water and sewer lines.

207

208 Member of the public Mike Abram joined the meeting and reiterated the property is Town owned by
209 virtue of non-payment of taxes by previous owners. He explained public parking was established
210 because the Town did not prevent its development. Mr. Abram acknowledged the Town is in need of
211 parking, but suggested the Town plan for additional public parking independently. Mr. Abram expressed
212 concern for the trees and believed public parking should be discontinued from the property. Mr. Abram
213 added that the Town is in desperate need for affordable housing and construction of two dwellings
214 should be prioritized. He is in favor of including an area of open space that can be utilized by the public
215 and owners of the newly constructed units.

216

217 Member of the public James Dresser joined the meeting, explained he is a member of the Salisbury
218 Affordable Housing Commission (SAHC), and expressed support for all statements made by Mr. Abram.
219 He added that the Town owns thousands of acres of Open Space, but does not have alternative
220 affordable housing sites. The SAHC has investigated and identified three properties that are Town owned
221 with water and sewer access that may be available for affordable housing. Mr. Dresser explained based
222 on smart growth principles density is the purpose of a village, so citizens and businesses can benefit
223 from each other's presence. Mr. Dresser explained the surrounding neighborhood Grove Street is a
224 dense neighborhood as it is intended to be so. He added that the vast majority of Town residents have
225 shown their support for affordable housing.

226

227 Member of the public Vivian Garfein joined the meeting and explained the Town has a large amount of
228 open space but a limited amount of affordable housing for families who need to thrive in this
229 community. Ms. Garfein explained the SHT tried to accommodate and recognize all concerns from the
230 public. She explained this latest plan provides parking, affordable housing, and an open space area that

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231 allows the neighbors to continue to utilize the space they have grown accustomed to using. Ms. Garfein
232 urged the Commission to consider approving the revised Site Plan.

233
234 Member of the public Erin Rosen joined the meeting and asked for the Commission and members of the
235 public to keep the matter in perspective. Mr. Rosen explained the Town's desperate need for affordable
236 housing is the priority, and expressed support for the revised Site Plan. He believed this revision is a
237 great effort to strike a balance between interests. Mr. Rosen expressed interest in reaching a solution so
238 the meeting may progress.

239
240 There were no further comments or questions from the public.

241
242 Chair Klemens asked about the legal status of splitting the property into three pieces. LUD Conroy
243 explained the scenario is legally possible but complicated to navigate. Chair Klemens asked if the Site
244 Plan can be modified after the Public Hearing has closed. LUD Conroy advised the Commission to leave
245 the hearing open and discuss and weigh the factors at hand in order to identify which concerns should
246 be left to the Town Meeting vote. Chair Klemens asked if the mature trees would be protected if the SHT
247 was awarded the entirety of the property. President of the SHT John Harney confirmed the SHT would
248 accept responsibility for maintenance and protection of the property.

249
250 Chair Klemens asked the Commission how they would like to proceed. Commissioner Riva suggested
251 keeping the Public Hearing open, and requested that the SHT have a discussion with the Town regarding
252 full stewardship of the property. Vice Chair Shyer expressed support for this suggestion and believed the
253 property could be better protected under SHT ownership. Commissioner Cockerline expressed support
254 in favor of the SHT owning the property as one parcel. Alternate Member Schiffer expressed support for
255 the revised Site Plan proposed tonight, but was not in favor of the SHT acquiring ownership of the entire
256 parcel.

257
258 Chair Klemens explained the Public Hearing will remain open to further discuss the SHT taking
259 stewardship responsibility of the entire parcel.

260
261 **Motion:** To continue the Public Hearing to July 1st, 2024 at 6:45PM via Zoom for the purpose of solving
262 the degree of land ownership to be assumed by the SHT.

263 Made by Cockerline, seconded by Shyer.

264 Vote: 4-0-0 in favor.

265
266 Vice Chair Shyer left the meeting at 8:57PM and Chair Klemens appointed Alternate Dr. Danella Schiffer
267 as voting member.

268
269 Chair Klemens called a brief recess at 8:57PM, the meeting resumed at 9:01PM.

270
271 6. #2024-0250 / Nathaniel and Laura Kirk / 85 Preston Lane / Site Plan Application to Construct a Screen
272 Porch in the Lake Protection Overlay District (Section 404) / Map 69 / Lot 29 / DOR: 06/17/2024 /
273 *Reception and Possible Consideration*

274
275 LUD Conroy explained the applicant's property is in the Lake Protection Overlay District. The applicant
276 removed impervious surfaces during recent construction, and a survey was not completed for the

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277 property when those impermeable surfaces existed. LUD Conroy explained the applicant attempted to
278 estimate the impervious surface that was removed, and expressed they did not intend to abandon the
279 right to this impervious surface. LUD Conroy mentioned they would like to utilize impervious surfaces on
280 another portion of the site to install a screened porch.

281

282 LUD Conroy presented the submitted Site Plan and asked the Commission if they were comfortable with
283 the argument that the Property Owner should retain a right to the previous impervious surface. LUD
284 Conroy also asked what other information would be needed to render a decision. Commissioner
285 Cockerline asked if a Zoning or Building Permit was submitted to the LUO for the recent work performed
286 on the property. LUD Conroy explained no permit was needed. Chair Klemens expressed that he was
287 comfortable accepting a fair estimation of previous impervious surface percentages as long as the
288 applicant composed a new plan that reflected this. Commissioner Cockerline suggested LUD Conroy
289 should handle the matter administratively, as he considered it a minor site plan modification. All
290 Commission members agreed.

291

292 7. #2024-0251/ AHMR Inc / 11-15 Farnum Road / Special Permit Application to Install Propane Tanks in
293 the Flood Plain Overlay District (Section 401) / Map 49 / Lot 12 / DOR: 06/17/2024 / *Reception and*
294 *Setting a Public Hearing Date*

295

296 Chair Klemens explained he and LUD Conroy reviewed this application and considered it incomplete. He
297 said the applicant has proposed to convert their oil-fired furnace to propane with tanks installed behind
298 a pre-existing building. LUD Conroy presented the Site Plan and explained the tanks are proposed to be
299 located in a flood zone. Fuel tanks are considered structures in the Floodplain Overlay District and are
300 subject to floodplain requirements. LUD Conroy explained the applicant must return with a plan showing
301 base flood elevation and information on how the tanks will be installed in accordance to Flood Zone
302 Regulations/building code. LUD Conroy asked if the Commission is comfortable scheduling a Public
303 Hearing. Chair Klemens replied no.

304

305 8. #2024-0252 / Fraxinus Holdings Trust (Architect Christine Gray) / 272 Undermountain Road / Special
306 Permit for a Detached Accessory Apartment (Section 208) / Map 18 / Lot 09 / DOR: 06/17/2024 /
307 *Reception and Setting a Public Hearing Date*

308

309 LUD Conroy explained the applicant's property had a Zoning Permit issued in 1991 for a newly
310 constructed caretaker's house to replace an existing caretaker's house. LUD Conroy explained in 1991 a
311 Regulation was in place that provided amnesty for accessory apartments created during a certain time
312 period. LUD Conroy explained a previous property owner documented the age of the original caretaker's
313 house, showed the septic system was sufficient, and received a Zoning Permit for the accessory
314 apartment. LUD Conroy explained Zoning Regulations have since changed and the owners wish to
315 increase the volume of the house by raising and matching the rooflines and adding a number of
316 bedrooms. LUD Conroy said she has authorized some structural work and repairs to the foundation.

317

318 **Motion:** To accept application #2024-0252 / Fraxinus Holdings Trust (Architect Christine Gray) / 272
319 Undermountain Road / Special Permit for a Detached Accessory Apartment (Section 208) / Map 18 / Lot
320 09 / DOR: 06/17/2024 / and schedule Public Hearing on July 15, 2024 6:45PM via Zoom.

321 Made by Cockerline, seconded by Riva.

322 Vote: 4-0-0 in favor.

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323 9. #2024-0253 / Hedman (Hackett/Ebersol) / 116 South Shore / Site Development Activities in the Lake
324 Protection Overlay (Section 404) / Map 60 / Lot 10 / *Determination of Completeness*
325 LUD Conroy explained that unpermitted changes and other concerns were discovered after this property
326 was put on the market to be sold. She explained that in order to remedy the concerns, a new septic
327 system must be installed and additional property needed to be acquired to resolve an encroachment on
328 the adjoining property.

329
330 Chair Klemens asked if the newly acquired property has been merged with the main parcel. LUD Conroy
331 was unsure. She added that the application must go through the Inland Wetlands & Watercourses
332 Commission (IWWC) as well. There is an intermittent watercourse on the property within 150 feet of the
333 proposed septic system. Chair Klemens explained the applicant must address questions and concerns
334 from the LUO and Commission, merge the two parcels, and submit a survey before being considered for
335 approval by the Planning and Zoning Commission.

336
337 **Public Comment**

338 10. Public Comment - Public Comment is restricted to items that are neither on the agenda nor the
339 subject of any pending Planning & Zoning application or action and are limited to three minutes per
340 person.

341
342 There was no Public Comment.

343
344 **Other Business**

345 11. Daniel Milner –Section 700 (specifically 700.2.b.) Regulation interpretation regarding expansion of a
346 residential driveway and parking area for a cumulative length greater than 75’

347
348 LUD Conroy explained Public Works made notice of a new curb cut on 30 Porter Street in Lakeville. She
349 explained the curb cut has likely existed since 2019 from a prior property owner. She believed Public
350 Works saw that work had begun on a new driveway. LUD Conroy explained the property is steep and
351 while it was on the market, the LUO received a number of calls with concerns about stormwater
352 management. The driveway proposed by the owner is longer than seventy-five feet, which LUD Conroy
353 explained requires a Zoning Permit per Section 700 of the Zoning Regulations.

354
355 Chair Klemens explained that this business was brought to the Commission at the request of the owner
356 to determine if LUD Conroy made a fair determination regarding what was required for this project. LUD
357 Conroy explained the property owner expressed concern that too much information was being
358 requested for a small gravel driveway project. Although a portion of the driveway was pre-existing, the
359 Regulations specify that driveway measurement should be taken from the street intersection. LUD
360 Conroy added she did not feel comfortable issuing a Zoning Permit without an Engineer to evaluate
361 stormwater runoff due to the steepness of the property. A gravel driveway would also have the potential
362 to wash dirt directly into a Town catch basin. All Commission Members believed LUD Conroy made a fair
363 determination.

364
365 **Resolution:** The driveway construction on 30 Porter Street will require, for the Zoning Permit, a properly
366 engineered stormwater conveyance system.

367 Vote: 4-0-0

368

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369 3. Minutes of May 6, 2024

370

371 Chair Klemens postponed review of the Minutes to the next meeting.

372

373 **Adjournment**

374

375 **Motion:** To adjourn the meeting at 9:30PM.

376 Made by Cockerline, seconded by Riva.

377 Vote: 4-0-0 in favor.

378

379 Respectfully Submitted,

380 Erika Spino

381 Secretary of Minutes