

**MINUTES OF THE SELECT BOARD MEETING
MONDAY, FEBRUARY 8, 2021**

Chairwoman Manupelli called the meeting to order at 7:03 p.m. via remote participation. Participating members were Mrs. Gonzalez, Mr. Wallner, Mr. Stuto, Mr. O’Leary, and Town Administrator, Michael Gilleberto.

CALL TO ORDER OPEN SESSION

Chairwoman Manupelli called to order the open session at 7:03 p.m.

Members recite the Pledge of Allegiance.

COVID – 19 UPDATE

Mr. Gilleberto states the following:

- The clinic began today for the second dose for First Responders and the location was moved to the Hillview Function Facility.
- Registration for appointments for Phase 2, age 75 and older opened today. Appointments are being scheduled for Wednesday.
- The Town expects to receive 100 doses per week from the State DPH. Phase 2 Clinic will start 1 week earlier using the surplus from the First Responder Clinic.
- Information for the 100 dose clinic scheduled for next week will be posted through the media and in the Transcript.
- The staff at the Senior Center did a great job fielding calls for before the statewide number was open.
- There is a COVID meeting scheduled tomorrow and hopes updates will make it to the Transcript for Thursday.
- Mrs. Manupelli inquired what the Senior Center is doing to connect with Seniors to get them the assistance they may need. Mr. Gilleberto responded there was a post card mailing that went out to about 2,000 Seniors about when clinics will be held. There has been conversation about a reverse 911 call. Will continue to reach out moving forward.
- Mr. O’Leary stated the BOH is meeting Wednesday, and invites the public to tune into the Zoom meeting for up to date information. Emails have been positive feedback about the ease of accessing the State website through the Town website. He hopes the amount of vaccines will increase to more than 100 per week. The Town is doing the best we can with the resources we are given. He encourages the Administration to continue the level of communication and increase it if possible.

Mrs. Manupelli states, in keeping with the Open Meeting Law, the meeting is being recorded by NORCAM and the Town Administrator.

PUBLIC COMMENT

None.

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DISCUSS 104 LOWELL ROAD VARIANCE APPLICATION

As CPC Liaison, Mr. Stuto updates the Board on the following:

- Pulte Homes wants to add a total of 52 units to 4 of their buildings.
- After doing more soil samples, bigger problems than what the Town and Pulte knew with asbestos was discovered.
- They are adding an elevator and parking spaces will be one to one; first time it was two to one. CPC Chair did not see an issue with the one to one parking. They are seeking a variance to make up for the shortfall; it will cost between Eight and Twelve Million Dollars to clean up the asbestos that was discovered.
- Because the Board cut the deal in 2017, he is looking to have discussion with the Board and acknowledge Pulte's request.
- Mr. Gilleberto states it is a project where the application calls into consideration multiple Boards with bylaws and state laws. Pulte is not restricted to seek what is being proposed.
- Mrs. Manupelli states the proposal is to add an additional story onto 4 buildings, which would mean more apartments.
- Mr. Stuto stated the CPC will not give an opinion on this matter ahead of ZBA's decision.
- Mr. O'Leary stated the request is not mandatory that the Town take favorable action on it. He appreciates the concerns and challenges Pulte is facing, however they are requesting the Town make up for their lack of due diligence for what the property was at the time they purchased it. For the 52 market rate units they are requesting, the Town would need to add 5 more affordable units. He further stated if the Town entertained their request, they would have to help us meet our affordable housing needs by making 20% of the units affordable housing. The Planning Board should request the developer make at least 20% of the unit's affordable housing. He recognizes that 52 units on the tax roll for over 55 development is a good deal for the Town, but we have an obligation to meet the affordable housing of 10%.
- Mr. Wallner stated he is concerned about adding additional height to the buildings by adding on another story, but since the buildings are located in the back of the property it might not be an issue. He further stated he was on the EDC when negotiations to purchase the land was happening; with the Thirty Million Dollars the Town made on the sale, the thought was affordable housing was going to be set up elsewhere in Town. It's a big difference going from 450 units originally agreed to and now they are adding an additional 52 units. He agrees with Mr. O'Leary and suggested one of the floors of the buildings should be affordable housing. A request should be made on Thursday. The Board does not have the leverage to stop it, however the ZBA does. The Board needs to express that 13 units should be affordable.
- Mrs. Gonzalez states that Pulte is not asking for more than what they are allowed. They are allowed 60 feet and they are asking for 59 feet, which they have a right to do.

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- Mrs. Manupelli stated incorporated in the disposition agreement was a lengthy due diligence process built in for Pulte and she recalls it was extended, giving them additional time. The due diligence process was on Pulte. They are within the zoning to expand it. It was beneficial to the Town to get Eleven Million Dollars more than accepting the lower amount. She recalls the Select Board voting unanimously to accept the RFP. Mrs. Gonzalez stated it wouldn't hurt to ask for affordable units. Mrs. Manupelli asks if it is the consensus of the Board to send a letter requesting affordable housing.
- Mr. Stuto states the Board should give their opinion on this request, however, the ZBA should take the lead; the ball is in ZBA's court. He believes in affordable housing. He expressed his concern about the possible appearance that North Reading makes it difficult to work with developers; he wants to avoid unintended consequences.
- Mrs. Manupelli states there seems to be a consensus of the Board to reach out to Pulte through the TA and put the notion in Pulte's minds to see if they would consider affordable housing.
- Mr. O'Leary states there is no consensus, of the 2 RFP's that Pulte submitted, they had several opportunities to do their due diligence, and they were granted more time to do their due diligence. It was a unanimous decision of the Board to go with the 30 Million Dollar proposal, although Mr. O'Leary wanted to go with the 18 Million Dollar proposal that included affordable housing, but he wanted to present a united front and a good image of the community for future development. Pulte is looking to the Town to assist them in covering the cost of their mistake and we are getting nothing in return. We still have an obligation to meet our affordable housing needs. We need to insist they help us meet our affordable housing needs. He is willing to give them 80 percent relief if they give the Town 20 percent of affordable housing, we have a moral obligation and the Board needs to ask the ZBA to assist us to meet our moral obligation. The Board needs to take a strong position.
- Mrs. Manupelli understands Mr. O'Leary's position, however the Board is not the permit granting authority and cannot mandate the moral obligation to the ZBA to meet our needs. The ZBA has their own legal standards to consider the application, the Board cannot insist a percentage of the units be affordable, we can only make a request. Mr. O'Leary responds the ZBA does not have to grant it unless they help us meet our affordable housing needs. He is willing to advise and ask the ZBA to consider saying no, they don't have to say yes unless there is something in it for the Town.
- Mr. Gilleberto states Town Council recommended feedback be provided in the form of a request to the ZBA for its consideration in the review rather than go directly to Pulte, if the Board chooses to provide feedback.
- Mr. Wallner informs the Board that through meetings he has attended Pulte is aware that this is a potential request from the Board, and all the Board can do is make a request, we have no authority. The request is to bring in some affordability to the ZBA. The request should be delivered directly to the ZBA, we are out of time to write a letter. It is a responsible position and he doesn't think it sets a bad precedent to developers who may want to do work in Town. Mrs. Manupelli inquires if he agrees with Mr. O'Leary that Pulte should not be permitted unless they give us affordable housing. Mr. Wallner responds all we can do is make a request, ZBA is in charge.

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- Mrs. Gonzalez states delivery is everything and the request should not be demanded.
- Mr. Stuto, Liaison to the ZBA states he can present the Board's request to the ZBA. He agrees with Mrs. Gonzalez that it's about the delivery, to ask and to request is a lot different than to tell.
- Mrs. Manupelli states written correspondence should be prepared and sent to the ZBA and the Developer before the meeting. Mr. Stuto, as the Liaison, should convey the Board's position at the meeting. She further stated the Board has its own legal standard and agrees with Mr. O'Leary that now is the time for the Board to ensure that they try factor in affordable housing, 20% is a good number.
- Mr. O'Leary states there is no benefit to the Town to agree to the request, even from an economic standpoint. The additional units are a windfall for the Town, however it is nothing we forecasted for, anticipated or need. Send the message to the Developer that if there is no affordable housing aspect, it is not worth it to the Town.
- Mrs. Manupelli states the Board is in agreement that a letter should be sent to the ZBA and Pulte Homes. She further stated the majority of the Board doesn't think the request to include affordable housing should be insisted.
- Mr. O'Leary stated 20% of the units should be affordable. Mr. Wallner stated to make one floor, which would be 13 units, a little over 20%, affordable housing.
- Mrs. Manupelli stated the communication will be respectful of the other Boards responsibility and roles.
- Mr. Gilleberto states there may be requirements with the placement of affordable units, the percentage route may be the best to follow; leave it up the developer where to place them.

MADAM CHAIR, I MOVE THAT THE SELECT BOARD SEND AN ADVISORY LETTER TO THE ZONING BOARD OF APPEALS REGARDING PULTE HOMES PROPERTY REQUEST FOR A VARIANCE AND THAT THE SELECT BOARD DOES NOT CONSIDER IT TO BE IN THE TOWN'S BEST INTEREST TO AGREE TO THE REQUEST UNLESS TWENTY PERCENT OF THE ADDITIONAL UNITS ARE AFFORDABLE.

MOTION BY: MR. O'LEARY
SECONDED BY: MR. STUTO

- Mrs. Manupelli states a copy of the communication should go to the ZBA and Pulte before the meeting and hope that they will consider incorporating that into their proposal.
- Mr. Wallner wants to send CPC a copy of the communication.
- Mrs. Gonzalez would like to add the word "consider" to the motion so it does not sound demanding.
- Mrs. Manupelli stated the motion needs to have strength to it.

VOTED BY:	MR. STUTO	AYE
	MRS. GONZALEZ	AYE
	MR. WALLNER	AYE
	MR. O'LEARY	AYE
	MRS. MANUPELLI	AYE

VOTE: 5-0 (UNANIMOUS)

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AMEND POLICY 1.21 – ALCOHOL LICENSES: SERVER TRAINING PROGRAMS
FIRST READING

Amy Luckiewicz, Server Training Auditor discusses the revisions she proposes to Policy 1.21, Alcohol Licenses: Server Training Programs. She states the following:

- Keep certifications kept on hand at all times, elimination on 30 day window for certification; servers cannot serve alcohol until the completion of certification.
- These recommendations will help business reduce their liability, and help Managers self-audit and reduce their non-compliance by having certificates on hand.
- Proposes that the training be a condition of employment similar to the choke save and allergen awareness certificates.
- The certification training is available on line.

Comments as follows:

- Mr. Gilleberto informs the Board there is a redlined version in tonight's meeting packet that indicates the proposed changes.
- Mr. O'Leary received input from establishments and there is a concern that not everyone does well with online training and some establishments prefer in-house training for new employees. The 30 day window allows new employees to get well trained. Ms. Luckiewicz responded that eliminating the 30 day window, they would still be able to work, but only alongside someone who is trained properly. The training focuses not only on underage serving but also over serving people.
- Mr. O'Leary asks if there could be a compromise for servers. Ms. Luckiewicz responded her compromise would be to say they have to be supervised by someone who is trained.
- Mr. Wallner inquired if Town Council has reviewed the draft policy. Mr. Gilleberto responded Town Council does not typically review draft policies. He further stated statewide we are ahead of the curve because of the program and Amy, the coordinator.
- Mrs. Manupelli stated it is important to look at the language first and to see how her colleagues feel about the proposed policy changes. The Board is responsible for the policy. She further stated it is a mistake to remove "prior to licensing or approval of any change of management". It is on the Board to ensure the servers are properly certified. She agrees with incorporating proof of certification at license renewal time, and she agrees with eliminating the 30 day certification window.
- Mrs. Gonzalez agrees with Mrs. Manupelli.
- Ms. Luckiewicz responded "prior to licensing..." was struck because she did not want it to appear that it was the only time the licensee was required to show certification for employees, it should be an ongoing process. Mrs. Manupelli stated it should read, "prior to licensing or approval of any change of management and at the time of license renewal."
- Mr. O'Leary agrees with Mrs. Manupelli and stated it should be an ongoing rolling process with checks periodically to make sure those on the payroll are certified. Mr. O'Leary agrees "and at the time of renewal" should be added. His only issue is the establishments concerns with the ability to get the certification done on a timely basis. If the employee is unable to comply, no one should serve unless they are certified and they should be monitored by someone who is.

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- Mrs. Gonzalez is comfortable with the redlined draft and likes that the ability to shadow has been added in.
- Ms. Luckiewicz stated the recommendations came after doing three rounds of compliance checks. She further stated we are ahead for the curve and would not have discovered the problem if not for the audits, and it is her fulltime job. Since the ability to have in person programing has been shut down due to COVID, she has used her time to look at policies. Other communities will be looking at North Reading to see how things are going, we are ahead of the curve.
- Mr. Wallner stated he appreciates innovation and agrees with Mrs. Manupelli regarding the policy and changes.
- Mr. Stuto agrees with everything that was said and has nothing to add.
- Mrs. Manupelli stated to unstrike the strikethrough in the first paragraph and add in “and at the time of renewal.” All the other changes will be incorporated into the second reading of the policy.
- Mr. O’Leary stated to insert language about shadowing.
- Mrs. Manupelli stated for the second reading something will be said about participating but not serving until TIPS trained because the thirty day window to get trained was struck out.
- Mrs. Manupelli stated she appreciates Ms. Luckiewicz’s work on the ground, in and out of establishments and giving out information and coming back to the Board to give us work to do to modify the policies and is a result of you and your work and Chief Murphy making modifications for the benefit of the public and for public safety. Ms. Luckiewicz responded she is part of a big team with volunteers on the team.

DISCUSS TRASH/RECYCLING PROGRAM FOR FY2022 AND BEYOND

Mr. Gilleberto states Acting DPW Director, Chris Deming is in attendance. Mr. Deming states damage will be fixed on the Park Street Bridge on Wednesday. Park Street, in between Winter and Main Street will be closed from 6:00 a.m. – 6:00 p.m. while repairs are made. Comments as follows:

- Mrs. Manupelli inquires how much the repairs will cost. Mr. Deming responded Twenty-Eight Thousand Dollars, which he added is a reasonable cost.
- Discussion was had regarding a MADOT grant for bridge replacement that the Town was denied in 2017-2018 that has not been given out yet; the Town may get bumped up on the repair list because the bridge is in worse shape now.
- Mr. O’Leary stated the Town has been denied because the span of the bridge is shy of the span required for consideration of the grant. It would be a substantial cost to the Town to replace the bridge. Mr. Deming responded the replacement plan was to remove the deck but the pilings would stay and a new bridge would be built on top. He is not aware if that would be a factor in approving the MADOT grant.
- Mr. Gilleberto stated we will continue to work with Representative Jones to get the Town moved up the list of the grant program. The repairs that will take place on Wednesday will either come out of the DPW operating budget, Chapter 90 Funds, or a reserve fund transfer.
- Mr. O’Leary stated the Town will be facing a One Million Dollar project with no

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funding.

- Mr. Gilleberto will give a snow and ice budget update in the TA report.
- Mrs. Manupelli thanks Mr. Deming for the amazing job that that the Department is doing keeping the roads clear in the February storms.
- Mr. Deming states fifty-four inches of snow has been recorded to date.
- Mr. Gilleberto thanks Mrs. Gonzalez for her willingness to participate in the Trash and Recycling conversations along with Mr. Greenberg. Mr. Deming will share his screen for a power point presentation (see attached). Comments as follows:
 - o Mr. O'Leary asked if the Administration will propose phasing in the increases, to even it out rather than have incremental jumps. Mr. Deming responded the increase is with Covanta and it will be the Boards decision to consider raising rates once or twice. Mr. O'Leary asked about a surplus in the account to stabilize the rates. Mr. Gilleberto responded there is about a Two Hundred Thousand Dollar surplus and will consider when making a recommendation to the Board about the rate projections. Mr. O'Leary wants to use the stabilization fund to mitigate the impact of the increase and factor in rebuilding the stabilization fund moving forward. Mrs. Manupelli stated the last time there was a fee increase, the Board discussed looking at the increases annually so not to have such a large increase all at once and the Board should consider Mr. O'Leary's proposal on how the Town can absorb it over the course of time. We want to shore up the reserves so we can handle the increase that it will cost the Town and if that requires the Board to look at the fee and slightly increase it annually, that's what the Board will have to do. She asked Mr. Deming to attend the next meeting with projections. Mr. Gilleberto stated these projections could be discussed during the solid waste budget presentation which would happen at the Saturday Budget Hearing.
 - o Mr. Gilleberto stated there are concerns with the solid waste and recycling industry and the administration continues to push hard for the residents who pay fees for the service to keep the terms reasonable in terms of collections to avoid penalties for contaminated recycling. We have a flat rate for recycling, we are in a decent position with regard to the recycling trash component. With regard to disposal, he withheld signing the contract with Covanta, but there were no other options in terms of the rate.
 - o Mr. O'Leary stated the cost is escalating substantially and the costs associated with solid waste disposal and recycling should be incorporated back into the tax rate. Some lower users are paying a large amount of fees and there are no tax benefits. He would like to look at subsidizing the costs through tax dollars rather than fee based.
 - o Mrs. Gonzalez agrees with Mr. O'Leary and stated she thinks about the Seniors who have very little waste and are paying the same fee as others. She looked into private disposal companies and learned private disposal is much more expensive and determined that North Reading is getting a good deal from JRM. Mr. O'Leary responded he is not looking to change the methodology, he is looking to subsidize the costs through the tax rate, rather than user fees.

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- Mrs. Manupelli inquired about a reopener provision in JRM's contract if there are technological advancements for them to do recycling; there are new technologies being developed that might address issues with regard to recycling. Mr. Deming responded that nothing is forecasted that the trends in recycling will get better and JRM has not discussed upgrading their recycling plant at this point. He further stated that part of the deal with JRM was a longer term contract for less money.
- Mrs. Manupelli stated at the next meeting the Board should address how to absorb the impact of the increase in the trash fees, and the Finance Director look into Mr. O'Leary's suggestion that pay for some of the fees through tax. She further stated she has heard no objections of moving forward with JRM and the fees proposed.
- Mrs. Manupelli thanks Mr. Greenberg for sitting in on the meeting and working out the details. Mr. Greenberg thanks the negotiating team, Mr. Gilleberto, Mrs. Gonzalez, and Mr. Deming, they have done a great job on behalf of the Town. He further states this is a great deal. The recycling market is volatile. Shifting cost to the tax base is a consideration, but he also wants the Board to consider "pay as you throw"; pay in proportion to what you put out.
- Even though we are all paying the same trash fee, the residents are still paying less than other communities, we are getting a good deal. Thanks Mr. Deming and Mr. Gilleberto for the work they have put into the negotiations.
- Finance Director Liz Rourke stated she will work with the Administration, DPW and Mark Clark look into spreading the expense around and if the tax rate can absorb it.
- Mrs. Manupelli asked Ms. Rourke for a plan on how the fee will be increased over the course of time rather than a huge increase all at once.

COMMON VICTUALLER LICENSE APPLICATION: SUBWAY, 4 LOWELL ROAD
MADAM CHAIR, I MOVE TO GRANT A COMMON VICTUALLER LICENSE TO FOUR
PATHS, LLC D/B/A SUBWAY #27658 TO EXPIRE DECEMBER 31, 2021 SUBJECT TO
ALL REGULATORY DEPARTMENT REQUIREMENTS.

MOTION BY:	MR. STUTO	
SECONDED BY:	MRS. GONZALEZ	
VOTED BY:	MR. STUTO	AYE
	MRS. GONZALEZ	AYE
	MR. WALLNER	AYE
	MR. O'LEARY	AYE
	MRS. MANUPELLI	AYE

VOTE: 5-0 (UNANIMOUS)

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APPOINTMENTS: VETERANS EVENT COMMITTEE

MADAM CHAIR, I MOVE TO PLACE THE FOLLOWING NAMES IN NOMINATION FOR REAPPOINTMENT AS ASSOCIATE MEMBERS TO THE VETERANS EVENT COMMITTEE FOR TERMS TO EXPIRE DECEMBER 31, 2023.

MARK MANZELLI (INCUMBENT)
KIMBERLY MANZELLI (INCUMBENT)
KENNETH RAVIOLI (INCUMBENT)

MOTION BY: MR. STUTO

Liaison, Mrs. Gonzalez stated she is happy to recommend the incumbents and thanks them for continuing their commitment. The motion is withdrawn as there is a question about their reappointment as “Associate Members”.

APPROVE LEGAL BILLS

MADAM CHAIR, I MOVE TO APPROVE LEGAL BILLS FOR DECEMBER, 2020 IN THE AMOUNT OF \$ AS FOLLOWS:

GENERAL	\$ 7,166.30
LABOR	\$ 4,329.00
20 ELM STREET	<u>\$ 2,671.50</u>
TOTAL	\$14,166.73

MOTION BY:	MR. STUTO	
SECONDED BY:	MR. O’LEARY	
VOTED BY:	MR. STUTO	AYE
	MRS. GONZALEZ	AYE
	MR. WALLNER	AYE
	MR. O’LEARY	AYE
	MRS. MANUPELLI	AYE

VOTE: 5-0 (UNANIMOUS)

TOWN ADMINISTRATOR’S REPORT

(See attached) Topics discussed:

- Participation in a state Travel and Tourism Recovery Grant, which would support local businesses through marketing efforts.
- The Town being awarded a \$35,000 grant from the Massachusetts Office on Disability to complete an ADA Self-Evaluation and Transition Plan.
- The appropriation for the snow and ice budget has been exceeded.

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OLD AND NEW BUSINESS

Mr. O'Leary: No Comment

Mr. Stuto: No Comment

Mr. Gonzalez: No Comment

Mr. Wallner:

- Inquired who will write the letter to the ZBA and CPC. Mrs. Manupelli stated it was assigned to Mr. Gilleberto and she will sign it on behalf of the Board.

BOARD MEMBER REPORTS

Mr. O'Leary:

- He attends Board of Health meetings on Wednesdays and expresses his appreciation on behalf of the Board for the efforts of the Board, the Administration and the Health Director, and the cooperation of the School Department; they are doing a great job. Mr. Gilleberto informed Mr. O'Leary that the BOH meeting has been moved to February 17th.

Mr. Stuto:

- CPC is discussing 148-150 Park Street. Mr. Wheeler will be attending a Select Board meeting to further discuss. CPC voted to sponsor a warrant article for Town Meeting for a zoning overlay district.
- Informed the Board that a Phase I and Phase II Environmental Study has been done on the property.
- Joint CPC and Select Board interviews for the candidates for CPC will be held on Tuesday.

Mrs. Gonzalez:

- Will be attending meetings this week and she will be reporting on them at the next meeting.

Mr. Wallner:

- UMass Gerontology has finished the surveys and is putting together a report. They are talking to other towns with intergenerational center and directors and hope to see results in a month.
- He, the TA, and Town Council had a conference with Phil Hurtz about the Rail Trail; progress is being made. MADOT needs to provide more information. Phil is doing a great job. There is already an existing bike trail, there is no connection between the existing trail and Ipswich River Park, which is the primary objective.
- This month is Black History Month and the North Reading Human Rights Commission asked him to relay that there will be a Zoom Book club on March 4th from 7:00-8:30 to discuss "Stamped". Copies of the book are at the Flint Memorial Library.
- Mrs. Manupelli responded that since North Reading Human Rights Commission is a private group could Mr. Wallner provide an email address. Mr. Wallner responded anyone interested in contacting the group, should contact him.

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Mrs. Manupelli inquired if an announcement was made about the new Public Health Nurse. Mr. Gilleberto responded that it was reported, he hopes to recognize Ms. Vath and introduce Donna at a future meeting.

Mrs. Manupelli: No Comment.

ADJOURN

MADAM CHAIR, I MOVE TO ADJOURN.

MOTION BY:	MR. STUTO	
SECONDED BY:	MR. O'LEARY	
VOTED BY:	MR. STUTO	AYE
	MRS. GONZALEZ	AYE
	MR. WALLNER	AYE
	MR. O'LEARY	AYE
	MRS. MANUPELLI	AYE

VOTE: 5-0 (UNANIMOUS)

ADJOURN: 9:27 P.M.

DATE

VINCENZO STUTO, CLERK