

## **Subject to Approval**

### **MADISON PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES April 1, 2021**

The Regular Meeting of the Madison Planning and Zoning Commission was conducted Thursday, April 1, 2021, at 7 p.m., remotely, using Zoom Videoconferencing. The public was invited to participate remotely by joining the meeting through a Zoom webinar link password, telephone call-in number, and a webinar identification number. Log-in and call-in details were posted to the Town of Madison website (<https://www.madisonct.org/>), prior to the meeting.

#### **MEMBERS PRESENT**

Chairman Ronald Clark, Secretary Elliott Hitchcock, Thomas Burland, John K. Mathers, Joseph Bunovsky, Jr., Giselle Mcdowall, Seonaid Hay, and Joel Miller.

#### **MEMBERS ABSENT**

Vice Chairman James Matteson.

#### **ALTERNATES PRESENT**

Peter Roos, Ron Bodinson and Carol Snow.

#### **OTHERS PRESENT**

Director of Planning and Economic Development David Anderson. The meeting was recorded via Zoom Videoconferencing software for You Tube viewing.

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The Regular Meeting of the Madison Planning and Zoning Commission was called to order at approximately 7 p.m. by Chairman Ronald Clark, who introduced the commission and seated Alternate Commissioner Peter Roos for absent Commissioner and Vice Chairman James Matteson.

#### **PUBLIC HEARING:**

**21-04 DVD. 40 and 48 Wall Street.** Map 38, Lots 36 & 38. D District/DVD. Owner: White Rabbit LLC; Applicant: William Plunkett. Site Plan Review Application to permit a 30' x 60' framed tent be utilized for a stand-alone, seasonal "pop-up" restaurant. Additionally, permission is being sought to hold a total of six (6) outdoor movies and live music events one night per week. Continued from March 18, 2021.

Chairman Clark summarized proceedings of the March 18, 2021 public hearing, asked the commissioners whether they had any questions for Applicant William Plunkett, and when there were none, Mr. Plunkett sought permission to read a brief, revised statement of use, which Chairman Clark granted. Concerns were raised about parking in the grass and whether this application represents starting another restaurant without proper facilities, according to Mr. Plunkett. Plans are to install a 30-foot by 60-foot framed tent with a 64-person capacity, with food to be prepared by the Moxie kitchen and food truck; guest bathrooms will be used at Moxie, according to Mr. Plunkett. In addition, a service bar in front of the garage will be stored nightly,

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with state of Connecticut Liquor Control Commission approval, according to Mr. Plunkett. The planned outdoor restaurant tent operation timeline is from May 15, 2021 to Nov. 1, 2021, with hours being Wednesday to Sunday, from 4:30 p.m. to 9 p.m., according to Mr. Plunkett. There will be live music one night a week, with movies on Monday night, only, and when Moxie is closed; lighting includes string lighting, four hanging lights inside the tent, as well as pathway lights, and Covid-19 protocols, such as social distancing, mandated mask wearing, and sanitizing stations, will be followed, according to Mr. Plunkett, who added that a Connecticut statute 6610 is allowing the town to grant approval for such outdoor restaurant applications. Chairman Clark clarified that the Connecticut General Assembly, House and Senate, voted unanimously to extend outdoor dining to March of next year. This is not meant to be an ongoing event or continue year-to-year; it is to get the restaurant through this summer and fall, according to Mr. Plunkett, who added that he would come back next year, if needed, with a parking plan and septic plan. It is not meant to be a party—it didn't happen last year, and it will not, this year, Mr. Plunkett stated. If a request to continue were to be given next year, Mr. Plunkett stated that he would not ask to continue, without having the necessary infrastructure in place, such as the stipulation of parking being available, with one space for every four restaurant seats. Chairman Clark asked whether that which Mr. Plunkett had stated would change the public notice given for the application. Director of Planning and Economic Development David Anderson stated that there are no substantial changes that he had listened to; the operation was going to be from June 1 to November 30<sup>th</sup>, Thursday to Sunday. Now, plans are for May 15, 2021 to Nov. 1, 2021, Wednesday through Sunday. The use has not changed, according to Mr. Anderson. Mr. Plunkett presented the state of Connecticut General Assembly Raised Bill Number 6610, approved by the House of Representatives and Senate, which was shared with the public. General Assembly Raised Bill No. 6610, *An Act Concerning the Provision of Outdoor Food and Beverage Service by Restaurants*, states that "...the zoning commission of each municipality shall allow any licensee or permittee of a food establishment operating in such municipality to engage in outdoor food and beverage service as an accessory use of such food establishment's permitted use until March 31, 2022. Such accessory use shall be allowed as of right, subject only to any required administrative site plan review to determine conformance with zoning requirements not contemplated by this section." Chairman Clark asked Mr. Plunkett if this will essentially be replicating what he did last summer, and Mr. Plunkett answered in the affirmative. Town officials, such as the health director, the town building official, and the fire marshal, will be involved at the permitting of the planned submittal process, according to Mr. Plunkett. If this Site Plan Review Application, to permit that a 30' x 60' framed tent be utilized for a stand-alone, seasonal "pop-up" restaurant, was not changed, just a few minutes ago, Chairman Clark asked where port-a-potties and all that would be located. Mr. Plunkett stated that it is his understanding that port-a-potties would not be allowed, and that it is his understanding they were not and are not allowed. Commissioner Seonaid Hay questioned the terminology of pop-up and barbeque. Mr. Plunkett stated that the cooking will be barbeque type food in the food truck; a smoker may be obtained, but if it is not allowed in the food truck, the smoker will be outside; "pop-up restaurant" is a term indicating that something is blown up and then it goes down; a tent is a "pop-up restaurant." Foods, such as salads, would be stored inside Moxie, and foods that would not otherwise be cooked in the kitchen, would be cooked in the smoker, according to Mr. Plunkett. Commissioner Peter Roos asked if the notion of having grass parking is off the table, and Mr. Plunkett responded in the affirmative. The food truck essentially keeps warm and serves foods that are mainly prepared in the kitchen, during off hours, according to Mr. Plunkett. Commissioner Ron Bodinson asked whether the tent has sides and if they are close to the ground. The tent does have sides—two sides open and three closed during inclement weather,

according to Mr. Plunkett; this developed because people with tent sides were making outdoor restaurants, indoor, with four sides being closed. Commissioner Bodinson also asked about the danger involved in a large tent, such as the one being proposed, falling down. Mr. Anderson stated that the town building official and the town fire marshal have to have plans for the tent and approve them. Mr. Plunkett stated that it is a frame tent, not a pole tent, and they are just more stable, with an aluminum frame. The session was opened to questions from the public, and when no hands were raised by the public, which had 11 attendees, Chairman Clark stated that if Mr. Plunkett did not have anything more to add, that he would move to close the public hearing. Mr. Anderson stated that a hand was raised. Attorney Timothy M. Herbst, owner of 908 to 916 Boston Post Road, member of the General's Residence, LLC, representing himself and business partner and owner Adam Greenberg, referenced the global pandemic, General Assembly Raised Bill Number 6610, and the governor's executive orders, and stated that they do not supplant the commission's power granted in Connecticut General Statutes Sections 8-2 and 8-23. On page three of the application, the applicant acknowledges that the application is subject to the requirements of the Downtown Village District (DVD), which appear on page 136 of the zoning regulations, Section 30.2, which outlines the purpose of the DVD to protect the distinctive character of the landscape of the DVD, according to Mr. Herbst, who also referenced the Plan of Conservation and Development, adding that the commission should consider what is in its Plan of Conservation and Development, when considering this application. He referenced page 31 of the Plan of Conservation and Development, wherein 65 percent of the respondents agree that the town should provide public restrooms and shared septic systems in Madison center. The commission is allowed to have much greater control over the design aspects in the DVD zone, the purpose of the DVD is not to loosen or lighten zoning, and there has to be a careful, delineated review of any plans which are brought forward, according to Mr. Herbst. He also referenced page 139 of the Planning and Zoning Regulations, dealing with criteria that appears in Section 30.9.2, which states that the approving authority shall follow the DVD design standards, and Section 30.9.3, involving statutory standards, stating that they are to be harmoniously related to what currently exists. All spaces and structures that are visible to the public are to be designed to add to the design, and color, size, height, and landscaping are to be evaluated for compatibility with designs already in the district, according to Mr. Herbst. All development in the district should be compatibly reinforced, there is to be no adverse impact on the district, the road network is to be followed, and open space patterns are to be reinforced, according to Mr. Herbst, who stated that he would like Section 30 of the Planning and Zoning Regulations to be a part of the record. He stated that he believes the applicant has not met his burden, in showing how he meets the standards. Mr. Herbst referenced a memorandum dated March 16, 2021 from Mr. Anderson, entitled, *Staff Comments—March 18, 2021 Regular Meeting Application #20-04. 40 and 48 Wall Street*, quoting a portion that included the following: "The proposed use of the site for a BBQ 'pop-up' seasonal restaurant is a use that is permitted by site plan approval in the zoning district. The proposed events are not specifically permitted in the zoning district, but can be permitted in conjunction with the allowable restaurant use. The events may warrant additional scrutiny by the Commission..." Mr. Herbst asked if the application comports with the regulations or does it not. The applicant has failed to prove this, he stated. The Planning and Zoning Commission has every right to ask town officials what concerns there are, in the areas of public health and sanitary food stations, according to Mr. Herbst, who stated that he thinks the Planning and Zoning Commission should deny the application. In its present form, this application should be summarily denied, Mr. Herbst stated. Mr. Anderson opened the session to public comment. Dr. Greg DeSantis stated that he did submit a letter, and he asked for permission to read it into the record. Chairman Clark stated that it is not necessary, as the

Planning and Zoning Commission has the letter, but he may do so. Dated March 31, 2021, the letter, submitted by Greg DeSantis and his wife, Christine Sipala, 8 Acorn Dr., stated that they are writing in support of the permit proposal for 40 and 48 Wall Street: “Bill Plunkett and the Moxie team are a great asset to the town of Madison. We have witnessed their contributions to town events, causes, and to the betterment of our town culture. Bill, his family, and the Moxie team always have Madison and its residents in the forefront of their mind when operating their business. Last summer, during the pandemic, Moxie encountered many of the same difficulties that small businesses and restaurants faced across the country. During that time, Moxie held an outdoor movie night for families. We and our two young boys were in attendance, and it was absolutely a highlight of an otherwise difficult summer in Madison. The Moxie folks took care to make sure that it was a safe, fun, and quiet event, perfectly suited for our downtown. It’s this type of event that makes us think our kids might find a community here themselves and want to remain in this shoreline town when they’re grown.” They stated in the letter that there are not a lot of family dining options in town, especially downtown, and there are very few with outdoor seating for the summertime, adding that a 4:30 to 9:30 p.m. crowd is certain to be respectful of all neighbors, and there has always been plenty of parking when they have attended outdoor Moxie events, in the past. They asked that commissioners vote to approve the proposed uses for the site, including the weekly outdoor restaurant nights, with music and the summer events. Nancy Karas stated that she echoes those sentiments, and she would support this application; while she is not an attorney, she stated that she is a nurse and a small business owner, which is adjacent to Moxie. She stated that she is 100 percent in favor of the proposal; restaurants have suffered more than anybody in this pandemic, and she wishes that the Planning and Zoning Commission would support the application. Chairman Clark asked Mr. Plunkett if he wanted to make any comments. Mr. Plunkett stated that he wanted to comment regarding something Dr. DeSantis alluded to in his letter. That letter stated that once Dr. DeSantis and his family are downtown and visiting Moxie, they “almost always take a walk around and enjoy the improvements that have been recently made to the downtown area,” and they also “often stop in a shop or two to make some impromptu purchases.” One advantage of not having to provide the parking on the grass area, as originally proposed for the outdoor restaurant, is that the idea is to park downtown, anywhere, and walk around, according to Mr. Plunkett; visitors are able to walk around, look at the frame shop, the shop owned by Ms. Karas, or the bookstore, he stated. Mr. Anderson stated that last year, when the Covid pandemic hit, the Planning and Zoning Commission gave him administrative authority to make these decisions regarding requests by restaurants for outdoor dining. Now, the commission would have to decide whether to act on the plans Applicant William Plunkett submitted, or decide to remove the application and let it be approved with the governor’s executive order, or revert to the commission’s decision to allow the outdoor restaurant proposal to be decided administratively, according to Mr. Anderson. Commissioner Joel Miller stated that the Planning and Zoning Commission did get out in front of the executive order, last year, by allowing outdoor restaurant requests to be administratively approved, and then that decision was revealed to be in line with the executive order that came out. Commissioner Miller stated that he would be in favor of maintaining the authority the commission delegated to Mr. Anderson; there were no complaints from the public, with respect to any of the actions Mr. Anderson took. Commissioner Thomas Burland stated that he agrees with Commissioner Miller, in that Mr. Anderson did an outstanding job, last year, and he still thinks that it is appropriate to continue with this, because everyone is still involved in this crisis. Commissioner Burland stated that he does not view this as a pop-up restaurant; one of the features allowed in the DVD is theaters, and they could be indoor or outdoor, he stated, referring

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to plans to present movies and music in the tent venue. Commissioner Burland stated that he is fine with delegating the authority to Mr. Anderson, because he did it so well. Commissioner Joseph Bunovsky, Jr. stated that he agrees with Commissioners Miller and Burland. Mr. Anderson stated that his thinking is that the request for the outdoor restaurant could be handled by agreeing to the parameters Mr. Plunkett outlined in his application, and then Mr. Anderson stated that he would approve it administratively, in accordance with General Assembly Bill Number 6610. Chairman Clark stated he had problems with that the application, as originally presented, for a permanent seasonal use of a restaurant, if it continued without Covid. Chairman Clark stated that he had concerns about parking, run off, issues of septic, and in the provisions of the Plan of Conservation and Development, with respect to shared parking. Chairman Clark stated that when he went on the site walk, he envisioned a vacant, muddy, dirty, dead grass lot for seven months out of the year that people would see, if this became a long term or permanent venue. One possibility of how the commission could handle this is that the application could be withdrawn, and the commission could give Mr. Anderson the authority to administratively handle it; he certainly knows what to do, how to do it, and make it work, and he could come back to the commission with any questions, Chairman Clark stated.

**Commissioner John K. Mathers made the motion to extend to David Anderson the administrative authority to review and decide on, meaning to approve or deny, the administrative requests for outdoor dining, in accordance with the governor's executive order and General Assembly Bill Number 6610, as it relates to outdoor restaurants, during the Covid emergency; it was seconded by Commissioner Burland and unanimously approved.**

Vote to extend administrative authority to David Anderson passed, 9-0-0.

IN FAVOR: Chairman Clark, Secretary Elliott Hitchcock and Commissioners Mathers, Burland, Giselle Mcdowall, Seonaid Hay, Bunovsky, Miller, and Roos.

OPPOSED: None.

ABSTAINED: None.

**Commissioner Roos made the motion to close the public hearing; it was seconded by Commissioner Miller and unanimously approved.**

Vote to close the public hearing passed, 9-0-0.

IN FAVOR: Chairman Clark, Secretary Hitchcock and Commissioners Mathers, Burland, Mcdowall, Hay, Bunovsky, Miller, and Roos.

OPPOSED: None.

ABSTAINED: None.

Mr. Anderson requested that the commission add a stand-alone agenda item.

**Commissioner Miller made the motion to add to the agenda the extension of David Anderson's administrative authority for the review and adjudication of outdoor dining; it was seconded by Commissioner Burland and unanimously approved.**

Vote to add to the agenda the extension of David Anderson's administrative authority passed, 9-0-0.

IN FAVOR: Chairman Clark, Secretary Hitchcock and Commissioners Mathers, Burland,

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Mcdowall, Hay, Bunovsky, Miller, and Roos.

OPPOSED: None.

ABSTAINED: None.

**Commissioner Miller made the motion to extend to David Anderson the administrative authority to review and adjudicate the administrative requests for outdoor dining, in accordance with the governor's executive order and General Assembly Bill Number 6610, as it relates to outdoor restaurants, during the Covid emergency; it was seconded by Commissioner Bunovsky and unanimously approved.**

Vote to extend to David Anderson the administrative authority to review outdoor dining requests, as stated in the motion, passed, 9-0-0.

IN FAVOR: Chairman Clark, Secretary Hitchcock and Commissioners Mathers, Burland, Mcdowall, Hay, Bunovsky, Miller, and Roos.

OPPOSED: None.

ABSTAINED: None.

**Commissioner Roos made the motion to add a brief discussion of the Planning and Zoning Commission's feelings regarding discussion in Hartford that removes home rule; it was seconded by Commissioner Miller, but no vote was taken.**

Chairman Clark stated that there are 13 bills at the state legislature that change local zoning regulations and also take away local zoning control. The Board of Selectmen has expressed interest in this, as well, and Chairman Clark asked the commissioners how concerned they are with this legislation, which range from draconian to more moderate levels of concern, as to what may or may not happen, regarding the legislative proposals. These bills have just come out, and they will experience changes; Hartford does not know Madison—it doesn't know Darien, and it doesn't know Fairfield, according to Commissioner Roos. However, Madison does need to offer more affordable housing; 1.7 percent of Madison's housing is affordable, according to Commissioner Roos. Municipalities do not have to achieve 10 percent affordable housing tomorrow, but they do have to show they are moving forward; if Madison does not show it is moving forward, it will be imposed upon the town, according to Commissioner Roos. There is a term that is being used in discussions on affordable housing, and it is known simply as ALICE, which stands for Asset Limited Income Constricted and Employed, and it includes those with incomes of \$25,000 a year; 46 percent are ALICE constrained in Madison, according to Commissioner Roos. While Commissioner Roos had earlier stated that Darien's affordable housing level is at 32 percent, Chairman Clark clarified that, by stating that in Darien, the 32 percent of affordable housing is deed restricted affordable housing, and Commissioner Roos agreed. Madison has affordable housing options, but they are not deed restricted, Chairman Clark stated. Commissioner Burland stated that home rule is vitally important to the 169 towns in the state of Connecticut, because those living in those towns are familiar with their towns. Commissioner Burland stated that he does believe affordable housing is important for a number of reasons, for economic and racial diversity. However, the housing stock in Darien almost forces deed restricted affordable housing, because housing is so much more expensive than housing in Madison, according to Commissioner Burland. Chairman Clark asked the commissioners how they feel about the significance of the town having its own control over its own destiny. In reviewing one of the proposed bills, Mr. Anderson stated that he found it

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satisfying that the bill includes in it a number of ways that Madison has been encouraging affordable housing development; a lot of Madison's provisions are reflected in that bill. Of concern, however, is that one legislative proposal would remove the ability to require public hearings for all applications in a particular zone, according to Mr. Anderson. Commissioner Bunovsky stated that he is totally not in favor of state's rule. There is one bill that would allow a builder to be granted automatic approval to construct an affordable housing complex, which could completely overload the infrastructure for water and septic, putting the burden on the taxpayers, and Commissioner Bunovsky stated that he thinks that is completely appalling that there can be a state law or rule that can exist, without specifically knowing what is going on in the ground in these towns. Home rule is the entire fiber of government—communities empower the states, and when states want to impose on the small communities, there is something wrong with that, Commissioner Miller stated. Madison does not have a large stock of real estate that is conducive to broadening the diversity of the housing structure, according to Commissioner Miller. When Madison has these applications for affordable housing, they usually sail through; it is the density that draws concerns, according to Commissioner Miller, adding that he grew up in this town. His family moved here, and he grew up in an ALICE household; when he was a senior in high school, his parents lost their home and moved to Florida. Commissioner Miller stated that this town started as a working town; it was a farming and fishing town; Interstate 95 brought the changes. Madison is doing the best it can with what it has to work with, and Commissioner Miller stated that he does not think that Hartford has the right to come in and dictate to that. Commissioner Mathers stated that Commissioner Miller made some very good points. Commissioner Mathers stated that when he, himself, states that he is in favor of home rule, the assumption is that the commission is making decisions in support of affordable housing and diversity; if a town is opposed to that, then the state should move in, otherwise control should be given to home rule. Secretary Hitchcock stated that he wants to keep the ability to manage this with the town, rather than be managed by the state. Commissioner Mcdowall stated that she would like to see a balance between the town and the state, but it would be great if the town could make its decisions on its own.

**APPROVAL OF MINUTES:** Regular Meeting ~ February 18, 2021  
Planning Meeting ~ March 4, 2021  
Regular Meeting ~ January 21, 2021

**Commissioner Hay made the motion to approve the minutes of Feb. 18, 2021; it was seconded by Commissioner Roos and unanimously approved.**

Vote to approve the Feb. 18, 2021 minutes passed, 9-0-0.

IN FAVOR: Chairman Clark, Secretary Hitchcock and Commissioners Mathers, Burland, Mcdowall, Hay, Bunovsky, Miller, and Roos.

OPPOSED: None.

ABSTAINED: None.

**Commissioner Burland made the motion to approve the March 4, 2021 minutes as amended, on Page 3, making a change regarding the first and second full sentences, attributed to Commissioner Miller, in which the context got lost, so both sentences could read correctly, as follows: *His concern is the one-size-fits-all solution coming out of the state; Madison is not as exclusive as some folks seem to see in Hartford, Commissioner Miller* Page 7. Madison Planning and Zoning Commission, Regular Meeting, April 1, 2021**

***stated. Madison has retail employees, teachers, police officers, and others who live and work in this town, Commissioner Miller stated. That motion was seconded by Commissioner Roos and unanimously approved.***

Vote to approve the March 4, 2021 minutes, as amended, passed, 9-0-0.

IN FAVOR: Chairman Clark, Secretary Hitchcock and Commissioners Mathers, Burland, Mcdowall, Hay, Bunovsky, Miller, and Roos.

OPPOSED: None.

ABSTAINED: None.

**Commissioner Miller made the motion to approve the Jan. 21, 2021 minutes, as amended, correcting all of the dates of the meeting minutes to correctly read *Jan. 21, 2021*, wherein they had read, incorrectly, *Jan. 21, 2020*. That motion was seconded by Commissioner Bunovsky and unanimously approved.**

Vote to approve the Jan. 21, 2021 minutes, as amended, passed, 9-0-0.

IN FAVOR: Chairman Clark, Secretary Hitchcock and Commissioners Mathers, Burland, Mcdowall, Hay, Bunovsky, Miller, and Roos.

OPPOSED: None.

ABSTAINED: None.

**REMARKS:** **Commission Chair** ~ Chairman Clark stated the town sent out an email seeking views on hybrid meeting preferences, and the responses to that email are due May 9, 2021. Hybrid meetings would include people attending in person, at Town Campus, while others participate at the same meeting, by way of Zoom, according to Chairman Clark. Commissioner Bunovsky stated that he is now vaccinated and no longer afraid of the virus, but he really likes the Zoom meetings; it is so much easier when applications and site plans are shared on screen; they are much easier to see and read, in comparison to site plans being shown on the easels in the meeting room at Town Campus. Chairman Clark asked Commissioner Hay's opinion, as a medical doctor, and Commissioner Hay stated that even though a vaccine provides 95 percent effectiveness, that still means that one out of 20 people can still potentially contract the virus. There are still hospitalizations taking place for the virus, she stated, adding that conducting Planning and Zoning Commission meetings by way of Zoom works well, and the safest approach to take is to avoid large gatherings. Mr. Anderson wanted to know how he would run a hybrid meeting. He stated that he is staying on Zoom until everything is clear, and everyone can meet without concern, in addition, Mr. Anderson asked how such meetings would be policed. Some people would participate with masks, while others might want to be in attendance without masks; it adds a whole other layer of complexity, Mr. Anderson stated. Commissioner Miller stated that for some applications, the commission has had more public participation, than in the past, when, for instance, people had to drive 15 to 20 minutes to return home. Mr. Anderson stated that during The Ledges public hearing, there were 150 attendees, and that number of people would not have fit in the meeting room at Town Campus, plus additional people watch on You Tube. Chairman Clark stated that Zoom has made it easier, and a lot of members of the public are involved in the proceedings, and with it on You Tube, the viewership has increased, which is good. Following this discussion, questions were raised about the possibility of reducing the length of time of Planning and Zoning Commission proceedings, by possibly giving time limits  
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on comments, but Chairman Clark stated that case law prohibits restricting people from speaking, though those who have already sent in letters do not have to read them aloud, because they are already in the record.

**Director of Planning & Economic Development ~ No remarks.**

### **ADJOURNMENT**

**Commissioner Bunovsky made the motion to adjourn at 9:06 p.m.; it was seconded by Commissioner Roos and unanimously approved.**

Vote to adjourn at 9:06 p.m. passed, 9-0-0.

IN FAVOR: Chairman Clark, Secretary Hitchcock and Commissioners Mathers, Burland, Miller, Bunovsky, Mcdowall, Hay, and Roos.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,  
Marlene H. Kennedy, clerk