********Meeting Minutes******

AGENDA

Saugus Board of Selectmen June 22, 2016 at 7:30 PM Town Hall Auditorium, 298 Central Street Saugus, MA

> AGENDA Amended 6/20/16

Call to order. Correspondence:

- 1.) Independent Living Center re: request for Proclamation ADA Day July 26, 2016.
- 2.) Kristos Beer & Wine, 465 Essex St, re: request for change in hours of operation.

Citizen's Comments

Continued Hearings: -Love Joy Nails Corp. for Special Permit (S-2) 410 Lincoln Ave

Public Hearings:

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| 7:45 PM | Anthony Malfitano, owner, 10 Frank Bennett Highway a/k/a 1360 Broadway, for Special |
| | Permit (S-2) to allow indoor batting cages, to be located at , 10 Frank Bennett Highway, |
| | Assessor's Plan 2028, Lots 17, 18, 20. |
| 7:55 PM | National Grid for permission to install 1 pole and anchor on Hanson Road; and to remove |
| | a pole tree to tree guy pole 5 Hanson Rd at Bisbee Rd and installing a pole #5-1 and |
| | anchor at property line of 32 Bisbee Rd, 116 Hamilton St with a pole to pole guy to be |
| | installed to guy existing pole #5 as shown in plan no. 21631253 dated 05/23/16. |
| 8:00 PM | 44 Broadway Restaurant Group, Inc. d/b/a Oye's Restaurant & Bar, 44 Broadway, for |
| | alteration of licensed premises and change in description of the All Alcoholic Common |
| | Victualer's License by adding a sushi bar & 2nd floor service bar and other minor |
| | changes as show on plan submitted. |
| 8:05 PM | Aamwal Sons, Inc. d/b/a Nick's Place, 306-308 B Central Street for transfer of Common |
| | Victualer's License & Entertainment License FROM Shabas, Inc. d/b/a Nick's Place, |
| | Center Plaza. |
| | |

Old Business: 1.) Sully C's, 168 Broadway update on liquor license

- 2.) Maddy's, 1639 Broadway update on liquor license
- 3.) Hilltop, 855 Broadway update on liquor license

New Business:

- 1.) Aggregate Post Closure Use Committee re: request for approval of land reclamation agreement.
- 2.) Saugus Cable Television transfer of funds.
- 3.) Annual review of fees set by the Selectmen

Manager's Report: Manager appointments: Board of Health; Conservation Commission; and

Commission on Disabilities.

Approval of minutes: May 25, 2016 and June 1, 2016

Appointments: -Guy Gill re: request for reappointment as constable.

-Saugus Cable Television, Inc. Board of Directors.

-Saugus Housing Authority re: notice of vacancy on Saugus Housing Authority.

Member's Comments:

-Board comments on Wheelabrator Filing & draft letter to MEPA re: proposed Wheelabrator expansion

Citizen's Comments

The Saugus Board of Selectmen met on June 22, 2016 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Scott Brazis, Jeffrey Cicolini, Jennifer D'Eon, Mark Mitchell and the Chairman Debra Panetta. The Town Manager Scott Crabtree was also present. Correspondence:

1.) Independent Living Center re: request for Proclamation ADA Day July 26, 2016.

Jim Tozza, Member of the Board of Directors of the, Independent Living Center of North Shore and Cape Ann was present and thanked the Board for making proclamation each year.

Selectman D'Eon moved: We, the Board of Selectmen of the Town of Saugus, Massachusetts, by virtue of the authority vested by the people of Saugus as elected officials, do hereby proclaim **Tuesday, July 26, 2016, as**Spirit of the 26th anniversary of the Americans with Disabilities Act (ADA)

We urge the citizens of the Town of Saugus, its community leaders, business and government officials, to celebrate the contributions that people with disabilities have made and continue to make.

As the Board of Selectmen of Saugus, we renew our commitment to upholding the nondiscrimination principles of the ADA.

We urge that all citizens support the efforts of the Independent Living Center of the North Shore and Cape Ann, Inc., which is the voice of all persons with disabilities and their families. This proclamation is an acknowledgement of the rights of all persons with disabilities under the ADA and their daily activities, struggles and triumphs here in our Town.

In witness whereof, We have hereby set our hands and the seal of the Town of Saugus this 22^{nd} *day of June,* 2016. Chair seconds 5-0. The Board presented the signed proclamation.

2.) Kristos Beer & Wine, 465 Essex St, re: request for change in hours of operation.

No one was present.

Selectman Brazis moved to continue and notify applicant to appear. Chair seconds 5-0.

Citizen's Comments

Bill Kramich, 12 Emory Street, was present and asked the Board to do something about all the liquor licenses not being used and to stop giving extensions to them. The Chair said this Board does take the issue very seriously and said they do the best they can with legalities they have to work with.

Selectman D'Eon moved to take New Business #1 Aggregate Post Closure Use Committee re: request for approval of land reclamation agreement out of order. Chair seconds 5-0. New Business:

1.) Aggregate Post Closure Use Committee re: request for approval of land reclamation agreement.

The Manager thanked the many individuals that worked with and served on the Aggregate Post Closure Use Committee whose goal was to have a post closure plan and this 1st initial agreement is to take in fill. Erik Muller, General Manager at Aggregate, Mark Richards and Lisa Young presented power point presentation. The Chair said the Board will be considering accepting the plan because the agreement will be approved by the Town Manager and asked how long it will take to fill the quarry. Ms. Young said 15 years and noted the agreement has possible two 5 year extensions and handed out copies to the Board. The Chair said it's up to the Manager to approve the plan but the Board can accept it. The Manager thanked consultant Paul Rupp. The Chair thanked Committee Members and said it has taken many years to get to this point. Selectman D'Eon commented that this is the most productive committee she has been on.

Selectman D'Eon moved to accept the Aggregate Post Closure Use Committee land reclamation agreement as presented. Chair seconds 5-0.

<u>Continued Hearings:</u> -Love Joy Nails Corp. for Special Permit (S-2) 410 Lincoln Ave Love Joy Nails Corp. for Special Permit (S-2) to allow salon offering manicures, pedicures, waxing and facials to be located at 410 Lincoln Avenue, Assessor's Plan 2012, Lot A-123.

Attorney Richard Magnan, 194 Central Street was present with applicants and said the application was initially heard in May and continued for site visit and supplemental information and site visit did take place and a plan was drafted for the 1st floor and estimated costs were provided and a parking plan as requested and said he provided copies of existing license for barber shop and cosmetology and said they do have letter of commitment from the bank. The Chair said she noticed changes to the plan from what was described at the site visit and noted the plan is significantly larger than what they talked about and

pointed out the plan provided shows 10 stations when they talked about 3 employees and said parking has been expanded also. Attorney Magnan said there will be 3 employees that will service the stations. The Chair said she has concern with parking. Selectman Brazis said the neighbors raised concern about fumes. Attorney Magnan said the Board of Health did not have any objections and they would need to be in compliance with any regulations required by the Board of Health. Selectman Brazis said the neighbors raised parking and fumes and would like the Board of Health to make recommendation on system needed. Attorney Magnan said it's a reasonable request. Selectman Cicolini asked why they would need more stations if only 3 employees and asked if they would be amenable to limit the number of stations. Attorney Magnan said they will revise floor plan. Selectman Brazis asked about fire suppression system. Attorney Magnan said he will add supplemental if needed.

Any to speak in favor or opposed? None.

Selectman Brazis moved to continue the hearing to July 13. Chair seconds 5-0.

Selectman Cicolini requested their clerk ask for comments from the Board of Health regarding concerns about fumes.

Public Hearings:

7:45 PM Anthony Malfitano, owner, 10 Frank Bennett Highway a/k/a 1360 Broadway, for Special Permit (S-2) to allow indoor batting cages, to be located at , 10 Frank Bennett Highway, Assessor's Plan 2028, Lots 17, 18, 20.

Attorney Peter Rossetti representing property owner was present with proposed lease Bill Guinasso of Leone Sports and Fitness LLC and explained the proposed indoor batting cages and training facility to be located on the 2nd floor. Selectman Cicolini asked hours of operation. Mr. Guinasso said 9am to 9pm. Selectman Cicolini said being a coach he knows the importance of having facilities and noted one will be closing so there is a need and asked about snacks. Mr. Guianusso said no food. Atty. Rossetti said there will be no food, no games and no televisions.

Any to speak in favor or opposed? Thomas Medeiros, 30 Felton Street is not opposed but has concern with other businesses located there. Selectmen Cicolini confirmed his concerns were not with this business or this application. The Chair suggested he contact their clerk to help address his concerns.

Selectman Cicolini moved to close the hearing. Chair seconds 5-0.

Selectman Cicolini moved the Board vote to approve the request of Anthony Malfitano, owner, 10 Frank Bennett Highway a/k/a 1360 Broadway, for Special Permit (S-2) to allow indoor batting cages, to be located at , 10 Frank Bennett Highway, Assessor's Plan 2028, Lots 17, 18, 20 consisting of approximately 1,350 s.f. space designated as Unit C on second floor with the following conditions: hours of operation 9am to 9pm 7 days a week; must be inspected by Building Inspector and Fire Dept prior to occupancy; must provide bathrooms; and no food to be sold or served. Selectman Brazis noted money owed. Atty. Rossetti said it has been paid. Chair seconds.

Roll call vote: Selectman Brazis, yes; Selectman Cicolini, yes; Selectman D'Eon, yes; Selectman Mitchell, yes; Selectman Panetta, yes.

Atty. Rossetti said he will speak with the neighbors and address concerns.

Atty. Rossetti said he has another piece of business later in the agenda and requested his brief update be taken out of order.

Selectman Cicolini moved to take Old Business #3 out of order. Chair seconds 5-0.

Old Business: 3.) Hilltop, 855 Broadway update on liquor license

Attorney Peter Rossetti was present and thanked the Board and said he doesn't have anything new to report but will have something soon. The Chair said Mr. January mentioned that Avalon Bay would be reaching out to the Town and asked if there has been any contact. The Manager said no.

Selectman Brazis moved to have update at July 13th meeting. Chair seconds 5-0.

7:55 PM National Grid for permission to install 1 pole and anchor on Hanson Road; and to remove a pole tree to tree guy pole 5 Hanson Rd at Bisbee Rd and installing a pole #5-1 and anchor at property line of 32 Bisbee Rd, 116 Hamilton St with a pole to pole guy to be installed to guy existing pole #5 as shown in plan no. 21631253 dated 05/23/16.

Tim Lyford representing National Grid, 140 Medford St. Malden was present and explained request. The Chair asked if they will be attaching to a pole and not a tree. Mr. Lford said yes. The Chair noted recommendation submitted noting money owed for police details, request to remove old wires and to contact DPW in advance of work. Mr. Lford said he will bring the issues to their attention and will notify DPW. The Manager said the anchor should not obstruct a sidewalk. Mr. Lford said he doesn't believe there's a sidewalk and described.

Any to speak in favor or opposed? None.

Selectman D'Eon moved to close the hearing. Chair seconds 5-0.

Selectman D'Eon moved to approve the request of National Grid_for permission to install 1 pole and anchor on Hanson Road; and to remove a pole tree to tree guy pole 5 Hanson Rd at Bisbee Rd and installing a pole #5-1 and anchor at property line of 32 Bisbee Rd, 116 Hamilton St with a pole to pole guy to be installed to guy existing pole #5 as shown in plan no. 21631253 dated 05/23/16 with the following conditions: money owed to be paid; any abandoned fire alarm wire to be removed; to notify DPW 24 hours before the work is to begin; and a police detail if the road will be obstructed. Chair seconds 5-0.

8:00 PM 44 Broadway Restaurant Group, Inc. d/b/a Oye's Restaurant & Bar, 44 Broadway, for alteration of licensed premises and change in description of the All Alcoholic Common Victualer's License by adding a sushi bar & 2nd floor service bar and other minor changes as show on plan submitted.

Attorney Richard Magnan was present and explained he was just retained late last week and said the applicant does has a demo permit and has a target date of opening early to mid October and the 2nd floor will open a little later. The Chair said the Board thought this would take a couple of months and then heard they weren't open yet and requested they come in for update and didn't know about changes which is why they are here today. Selectman Cicolini said at last update he made it clear they should be open by the end of September and will reemphasize the importance and asked they look at September as the target date and any flexibility to open earlier. Attorney Magnan said that is acceptable after conferring with his client. Selectman Cicolini said he appreciates that. Selectman Brazis said they stated last year the 1st floor would be open in 4-5 months and now its 11 months.

Any to speak in favor or opposed? Bill Kramich, 12 Emory St commented on more delays.

Selectman Cicolini moved to close the hearing. Chair seconds 5-0.

Selectman Cicolini moved to approve the application of 44 Broadway Restaurant Group, Inc. d/b/a Oye's Restaurant & Bar, 44 Broadway, for alteration of licensed premises and change in description of the All Alcoholic Common Victualer's License by adding a sushi bar & 2nd floor service bar and other minor changes as show on plan submitted with condition money owed be paid; plans and required documents must be submitted and approved by the Board of Health; and plans must be submitted and approved by the fire dept. Chair seconds 5-0.

8:05 PM Aamwal Sons, Inc. d/b/a Nick's Place, 306-308 B Central Street for transfer of Common Victualer's License & Entertainment License FROM Shabas, Inc. d/b/a Nick's Place, Center Plaza.

Mohit Saini, Haverhill, MA was present and explained his parents are buying the business. The Chair asked he clarify question #6 & #7 on the application. Mr. Saini said he meant to mark "no". The Chair asked he fill out a new form. The Chair noted some money owed. Mr. Saini said it is paid. The Chair said an external grease trap is required. Mr. Saini said there is one.

Any to speak in favor or opposed? Bill Kramich, 12 Emory St was present and spoke in favor.

The Manager informed the Board an external grease trap was installed at the location. Selectman Brazis asked if he has gone to the Board of Health. Mr. Saini said yes.

Selectman Brazis moved to close the hearing. Chair seconds 5-0.

Selectman Brazis moved to approve the request of Aamwal Sons, Inc. d/b/a Nick's Place, 306-308 B Central Street for transfer of Common Victualer's License & Entertainment License FROM Shabas, Inc. d/b/a Nick's Place, Center Plaza with the following conditions: money owed to be paid; fire inspection; application for Entertainment License be amended; limit of 16 seats; hours of operation 8:30am to 10:30pm 7 days a week. Chair seconds 5-0.

Old Business: 1.) Sully C's, 168 Broadway update on liquor license

Elaine Byrne, owner of Sully C's was present and explained her attorney was not available this evening. The Chair said the Board received reports and read updates from the Building Inspector, Director of Public Health, Plumbing Inspector and Electrical Inspector. The Chair commented that it seems nothing new has been done. Selectman Mitchell asked if she has given any thought to a new location. Ms. Byrne said yes and is looking at her options. Selectman Mitchell said unfortunately we need to take control of the situation and if not we will be in the same situation 6 months from now. Ms. Byrne said this landlord has put her out of business and cost her \$1million. Selectman Cicolini said he feels for her situation and the last thing he wants to do is reclaim a license but it has been 13 ½ months and feels they're no further along and would like to speak to the Building Inspector about fines. Selectman Cicolini said he's disappointed the property owner and / or his attorney isn't here but based on reports it seems more than ½ of the issues are the owner's problem and it seems the only options she has is to move to a new location or sell the license. Selectman D'Eon said the Board gave a deadline of June 30th and is ready to enforce it. The Manager said if the Board is considering to move for a show cause hearing he suggests they move to schedule and send notice of date. The Chair said Selectman Cicolini said many months ago June 30th or the Board would take action and said the Board has said all along we are not mediators. Selectman Mitchell said they gave ample opportunity to get the work done. The Chair asked if the Manager is suggesting they set a date for a show cause hearing tonight. The Manager said he suggests they vote no date and they will set a date and notify.

Selectman Cicolini moved to call a show cause hearing on July 13th on the lack of use and ongoing issues and there has been no material changes in the facility. Chair seconds. Selectman Brazis speaking on the motion said he feels he was strung along and was optimistic in May. The Manager clarified the date July 13th and commented he didn't think fines could be issued if it's not occupied but will check. Selectman Cicolini encouraged the Manager to refresh the Building Inspector regarding letter regarding fines. Selectman Brazis said there are two businesses not functioning. Vote 5-0.

Selectman Cicolini said on the record he will not support issuing a license at that location. Ms. Byrne said he won't get her license, she will move or sell it.

A representative from Boston Market was present and requested copies of reports.

Bill Kramich, 12 Emory St. said he feels sorry but the building should be condemned. Selectman Cicolini said this is not a public hearing.

Old Business: 2.) Maddy's, 1639 Broadway update on liquor license

Attorney Richard Magnan, 194 Central Street was present with Attorney Tracy Tavilla representing owner of Victor's Vincent Valenti. Attorney Magnan they finalized the purchase asset agreement today and application for transfer is ready and will have supplemental information by the 1st of the week and all contractors are lined up to start work once approvals are received. The Chair asked why can't they use the license at the current location. Attorney Magnan said the agreement is for license to stay at the location. Selectman Cicolini asked about construction. Mr. Valenti was present and said every contractor is ready to go and work will take 30-60 days. Attorney Tavilla said once the Board and then the ABCC approves permits will be issued. Selectman Cicolini said her client has shown how eager he is to get going and asked if they are ready to schedule a hearing. Their clerk said it will be ready to be heard on July 13th.

Selectman Brazis moved for recess. Chair seconds 5-0. Meeting recessed at 9:35PM The Chair called the meeting back to order at 9:44PM.

New Business:

1.) Aggregate Post Closure Use Committee re: request for approval of land reclamation agreement.

This was taken up earlier in the meeting.

New Business:

2.) Saugus Cable Television transfer of funds.

The Chair said they need a transfer of \$15,000.

Selectman D'Eon moved a fund transfer of \$15,000. Chair seconds 5-0.

New Business:

3.) Annual review of fees set by the Selectmen

The Chair said some fees have not gone up since 2003 and may want to consider.

Selectman Cicolini moved to place on July 13th agenda. Chair seconds 5-0.

Manager's Report: Manager appointments: Board of Health; Conservation Commission; and Commission on Disabilities.

The Manager recommended the reappointment of Kevin Currie to the Commission on Disabilities to expire 12/31/18.

Selectman D'Eon moved to confirm the reappointment of Kevin Currie to the Commission on Disabilities to expire 12/31/18. Chair seconds.

Roll call vote: Selectman Brazis, yes; Selectman Cicolini, yes; Selectman D'Eon, yes; Selectman Mitchell, yes; Selectman Panetta, yes.

The Manager recommended the reappointment of Earl Bertrand and Paul Petkewich to the Conservation Commission to expire 6/30/18.

Selectman Cicolini moved to confirm the reappointment of Earl Bertrand and Paul Petkewich to the Conservation Commission to expire 6/30/18.

Roll call vote: Selectman Brazis, yes; Selectman Cicolini, yes; Selectman D'Eon, yes; Selectman Mitchell, yes; Selectman Panetta, yes.

The Manager recommended the appointment of Michael Coller to the Conservation Commission to expire 6/30/18.

Selectman Brazis moved to confirm the appointment of Michael Coller to the Conservation Commission to expire 6/30/18.

Roll call vote: Selectman Brazis, yes; Selectman Cicolini, yes; Selectman D'Eon, yes; Selectman Mitchell, yes; Selectman Panetta, yes.

The Manager recommended the appointment of Heidi Ragucci and Lena DeMiles to the Board of Health. Ms. Raggucci to expire 12/31/18 and Ms. DeMiles to expire 12/31/19.

Selectman D'Eon moved to confirm the appointments of Heidi Ragucci and Lena DeMiles to the Board of Health. Ms. Raggucci to expire 12/31/18 and Ms. DeMiles to expire 12/31/19. Roll call vote: Selectman Brazis, yes; Selectman Cicolini, yes; Selectman D'Eon, yes; Selectman Mitchell, yes; Selectman Panetta, yes.

The Manager reported parks & playgrounds bids have been awarded and are about \$169,000 over and will coordinate other means later in the year. Selectman Brazis asked he look into have one tennis court lined for pickle ball.

The Manager reported update on SHS Project saying the committee has met and was introduced to the architect and there have been educational visioning meetings and will do outreach over the summer.

Selectman Mitchell said the Board received an e-mail about the corner of Summer & Main Street and said it is dangerous and asked the Manager if possible to put no parking signs. The Manager said the police have done directed patrols and will request their recommendation on no parking signs.

The Chair thanked him for bringing it up. The Chair congratulated the Manager, Finance Committee and Town Meeting and said he did a tremendous job and cannot remember a budget finalized so early and contributed it to the Manager's meetings and explaining the budget in advance.

Approval of minutes: May 25, 2016 and June 1, 2016

Selectman Brazis moved to approve the May 25, 2016 minutes. Chair seconds. Selectman Cicolini offered several corrections. Vote 5-0 as amended.

Selectman Brazis moved to approve the minutes of June 1, 2016. Chair seconds. The Chair offered a couple of corrections. Vote 5-0 as amended.

Appointments: -Guy Gill re: request for reappointment as constable.

Guy Gill, 49 Elm St, Andover was present and requested reappointment and said he has been a constable in Saugus for around 9 years. Selectman Cicolini asked if he has not earned any money as a Saugus constable. Mr. Gill said the Town doesn't pay him. Selectman Brazis clarified by asking if he does receive money being a constable. Mr. Gill said he does and the Town gets a percentage.

Selectman D'Eon moved to reappoint Guy Gill as constable in the Town of Saugus to expire June 30, 2019. Chair seconds 5-0.

<u>Appointments:</u> -Saugus Cable Television, Inc. Board of Directors.

The Chair said the Board received letters of interest in replacing the individuals that recently resigned and did receive 4, but one may not be appointed per Town Counsel.

Selectman D'Eon moved to appoint Al DiNardo to the Saugus Cable Television, Inc. Board of Directors to expire 6/30/17. Chair seconds 5-0.

Selectman D'Eon moved to appoint Fatima Allan to the Saugus Cable Television, Inc. Board of Directors to expire 6/30/17. Chair seconds 5-0.

Selectman D'Eon moved to appoint Al DiNardo to the Saugus Cable Television, Inc. Board of Directors to expire 6/30/17. Chair seconds 5-0.

The Chair commented that the three appointees will be assets to the Board and said Mr. DiNardo has experience serving on the Board in the past, Ms. Allan has a financial background, and Mr. Spadafora has experience in Beverly and said the Selectman accept the resignations by filling the vacancies.

<u>Appointments:</u> -Saugus Housing Authority re: notice of vacancy on Saugus Housing Authority.

The Chair said the Board has been notified of resignation on the Housing Authority and will plan on scheduling a joint meeting in August to fill the vacancy.

Member's Comments:

Selectman Brazis congratulated all the youth sports teams and asked Selectman Mitchell about the jerseys the Wings wore. Selectman Mitchell said they got them a couple of years ago. Selectman Brazis said it was a nice touch and then pointed out the jersey hanging in front of his seat for "team Dawn" and said it's in recognition of Dawn Hunt who was diagnosed with cancer.

Selectman D'Eon said yesterday was the last day of school at SPS and thanked all the teachers and educators.

Selectman D'Eon said she went to the tour at Wheelabrator and it was very informative and attended the forum on ash.

Selectman Cicolini said it is unfortunate to be touched by cancer and said his family has participated in the N.S. Medical Walk for Cancer.

Selectman Cicolini congratulated Saugus American Little League teams.

Selectman Cicolini commented to the Manager that he received a call about Penny Landing.

Selectman Mitchell commended Bob Davis for all his hard work and time he puts into maintaining World Series Park and said he has seen a lot of parks and we are lucky to have this park and said if anyone has questions they should go to the field and see and said people may not like the rules but if you didn't have rules we wouldn't have a nice field.

The Chair commented the SHS graduation was beautifully done and congratulated the students.

The Chair said the Board received letter informing us that Bike to the Sea, Inc. was awarded a grant and read and said they will be discussing this further.

-Board comments on Wheelabrator Filing & draft letter to MEPA re: proposed Wheelabrator expansion

The Chair said Wheelabrator has filed to expand the ash landfill by filling 2 valleys and said the deadline to comment is June 28th and drafted a letter and read. Selectman Brazis asked if it would be better to draft 5 letters. Selectman Cicolini said he likes the idea of 1 letter as a Board and said Board Members can always send a letter as a resident. Selectman Mitchell agreed. Selectman D'Eon said she's comfortable with sending 1 letter.

Selectman Cicolini moved to send letter. Chair seconds 5-0.

Selectman Brazis congratulated Selectman Cicolini on his daughter being elected vice president of her class.

Citizen's Comments None

Selectman Brazis moved to adjourn. Chair seconds 5-0.

Meeting adjourned at 10:45 PM.

Respectfully submitted,

Wendy Reed, Clerk